

Low North, Sam. Anonimo.



The Noble and learned Knight.
Sir Walter Raleigh.
Rr. Vaughan Engr.

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**THE
PREROGATIVE
OF
PARLIAMENTS
IN
ENGLAND.**

Proved
**In a Dialogue between a
Councillour of State, and
a Justice of Peace.**

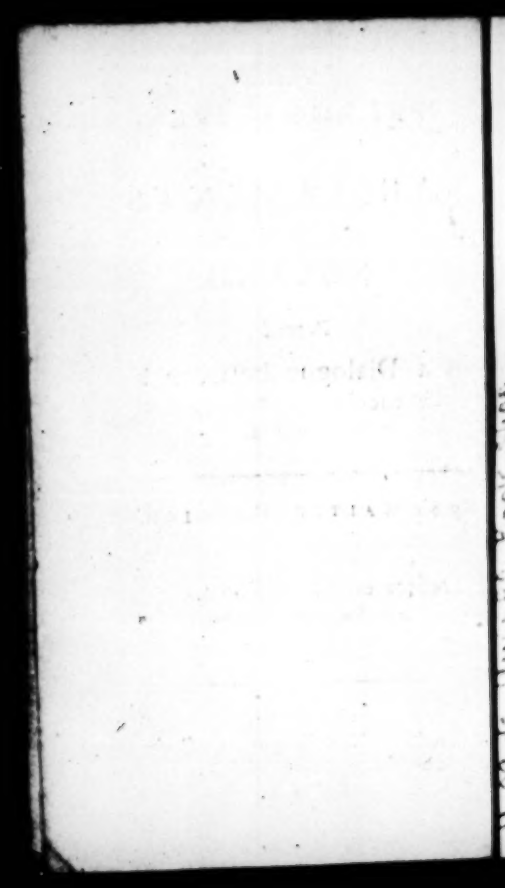
By Sir WALTER RALEIGH.

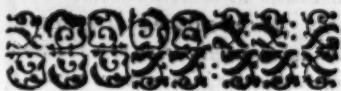
**Dedicated to the KINGS
most Excellent Majestie.**

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To the
K I N G

Most gracious Sovereign.

THose that are suppressed
and helptasse are com-
monly silent, wishing
that the common ill in
all sort might be with their par-
ticular misfortunes. which dispo-
sition, as it is uncharitable in all
men, so would it be in me more
dogge-like than man-like, to bite
the stone that strooke me : (so
wit) the borrowed authority of
my Sovereigne misinformed, see-
ing their arms and hands that
flang it, are most of them al-
ready rotten. For I must con-
fesse it ever, that they are doers,

A 2

and

673949

and not discontentments, that
your Majesty hath laid upon me;
the debts & obligation of a friend-
lesse adversity, farre more payable
in all kinds, then those of the
prosperous: All which, nor the
least of them, though I cannot
discharge, I may yet endeavour it.
And notwithstanding my restraint
hath retrenched all wayes, as well
the wayes of labour and will, as
of all other employments, yet hath
it left with me my cogitations,
then which I have nothing else
to offer on the Altar of my Love.

Of those (most gracious so-
veraigne) I have used some part
in the following dispute, between
a Counsellour of Estate, and a
Iustice of Peace, the one disswa-
ding, the other perswading the
calling of a Parliament. In all
which, since the Norman Con-
quest (at the least so many, as
Histories have gathered) I have
in some things in the following
Dialogue

Dialogue presented your Majesty
with the contents and successes.

Some things there are and
those of the greatest, which be-
cause they ought to be Resolved
on, I thought fit to range them in
the front of the rest, to the end
your Majesty may be pleased to
examine your own great and
Princely heart of their accep-
tance, or refusall.

The first is, that supposition, that
your Majesties Subjects give na-
thing but with adunction
of their own interest, in-
terlacing in one and the
same act your Majesties reliefe,
their own liberties: not that your
Majesties piety was ever suspect-
ed, but because the best Princes
are ever the least jealous, your
Majesties judging others by your
self, who have abused your Ma-
jesties trust. The fear'd continu-
ance of the like abuse may per-
swade the provision. But this

caution, how ever it seeme:h
at first sight, your Ma:estie
shall perceive by many examples
following but frivolous. The
bonds of Subjects to their Kings
should alwayes be wrought out of
Iron, the bonds of Kings unto
Subjects but with Cobwebs.

This it is (most renowned Sove-
raigne) that this traffick of assu-
rances hath been often urged, of
which, if the Conditions had been
easie, our Kings have as easily kept
them; if hard and prejudiciall,
either to their honours or estates,
the Creditours have been paid
their debts with their own pre-
sumption.

For all binding of a King by
Law upon the advantage of his
necessity, makes the breach is self
lawful in a King, His Charters
and all other instruments being no
other then the surviving witnes-
ses of unconstrained will: Princes

non

non subicitur nisi sua voluntate libera, mero motu & certa Scientia: Necessary words in all the grants of a King witnessing that the same grants were given freely and knowingly.

The second resolution will rest in your Majesty, leaving the new impositions, all Monopolies, and other grievances of the people to the consideration of the House, Provided, that your Majesties revenue be not abated, which if your Majesty shall refuse, it is thought that the disputes will last long, and the issues will be doubtfull: And on the contrary if your Majesty vouchsafe it, it may perchance be stiled a yielding, which seemeth by the sound to brave the Regalty.

But (most excellent Prince) what other is it to th'eares of the Wise, but as the sound of a trumpet, having blasted forth a false Alarme, becomes but common

aire ? Shall the head yield to the feet ? certainly it ought, when they are grieved, for wisdom will rather regard the commodity, then object the disgrace, seeing if the feet lye in fetters, the head cannot be freed, and where the feet feeble but their own paines, the head doth not only suffer by participation, but withall by consideration of the evill.

Certainly the point of honour well weighed hath nothing in it to even the ballance, for by your Majesties favour, your Majesty doth not yield either to any person or to any power, but to dispute only, in which the Proposition and Minor prove nothing without a conclusion, which no other person or power can make, but a Majesty : yea this in Henry the third his time was called a wisdom incomparable. For the King. raised
again,

again, recovered his authority :
For, being in that extremity as
he was driven with the Queen
and his Children, Cum Abbati-
bus & Prioribus satis humilibus
hospitia querere & prandia : For
the rest, may it please your Ma-
jesty to consider that there can no-
thing befall your Majesty in
matters of affaires more unfor-
tunately, then the Commons of
Parliament with ill successe : A
dishonour so perswasive and ad-
venturous as it will not onely find
arguments ; but it will take the
leading of all enemies that shall
offer themselves against your
Majesties estate.

Le Tabourin de la paurete ne
faiet poinct de breuet : of which
dangerous disease in Princes, the
remedy doth chiefly consist in the
love of the people, which how it
may be had & held, no man knowes
better then your Majesty ; how to

loose it, all men know, and know
that it is lost by nothing more
then by the defence of others in
wrong doing. The only motives of
mischances that ever come to
Kings of this Land since the
Conquest.

It is only love (most renowned
Soveraign) must prepare the way^o
for your Majesties following de-
sires. It is love which obeyes,
which suffers, which gives, which
stickes at nothing ; which Love,
as well of your Majesties people, as
the love of God to your Majesty,
that it may alwayes hold, shall be
the continuall prayers of your
Majesties most humble vassall,

Waker Raleigh.



The

PREROGATIVE

of

PARLIAMENTS

Proved in a dialogue between a

COUNSELLOUR

of

STATE,

and a

JUSTICE

of

PEACE

COUNSELLOUR.



OW Sir, what think you
of M. S. Iohns tryall in
Star Chamber? I know
that the bruit ranne that
he was hardly dealt with-
all, because he was imprisoned in the
Tower, seeing his dissuasion from
granting a Benevolence to the King
was warranted by the Law.

JUSTICE. Surely Sir it was
made.

made manifest at the hearing, that *M. St. John* was rather in love with his own letter; he confessed he had seen your Lordships Letter, before he wrote his to the Major of *Marleborough*, and in your Lordships letter, there was not a word whereto the Statutes by *Mr. St. John* alleadged, had reference; for those Statutes did condemn the gathering of money from the subject, under title of a free gift; whereas a fifth, a sixth, a tenth, &c. was set down and required. But my good Lord, though divers Shires have given to his Majestie, some more, some lesse, what is this to the Kings debt?

COUNS. We know it well enough, but we have many other projects.

JUR. Is it true my good Lord: but your Lordship will finde, that when by these you have drawn many petty summes from the subjects, and those sometimes spent as fast as they are gathered, his Majesty being nothing enabled thereby, when you shall be forced to demand your *great aide*, the Countrey will excuse it self in regard of their former payments.

COUNS. What mean you by the *great aide*,

JUR.

I u s t. I mean the aide of Parliam-
ment.

C o u n s. By Parliament, I would
fain know the man that durst perswade
the King unto it, for if it should suc-
ceed ill, in what case were he.

I u s t. You say well for your self
my Lord, and perchance you that are
lovers of your selves (under pardon)
do follow the advice of the late Duke
of *Alva*, who was ever opposite to all
resolutions in businesse of impor-
tance; for if the things enterprised
succeeded well, the advice never came
in question; if ill, (whereto great un-
dertakings are commonly subject) he
then made his advantage by remem-
bring his Countrey Councell: But
my good Lord, these reserved Polit-
icians are not the best servants, for he
that is bound to adventure his life for
his Master, is also bound to adventure
his advice, *Keep not back Councell!* (saith
Ecclesiasticus) *when it may do good.*

C o u n s. But Sir, I speak it not in
other respect then I think it dange-
rous for the King to assemble the
three estates, for thereby have our for-
mer Kings alwayes lost somewhat of
their prerogatives. And because that you
shall not think that I speak it at ran-
dome,

dome, I will begin with elder times, wherein the first contention began betwixt the King of this land and their subjects in Parliament.

J u s T. Your Lordship shall do me a singular favour.

C o u n s. You know that the Kings of *England* had no formal Parliament till about the 18. year of *Hen.* the first. for in his 17 year for the marriage of his Daughter, the King raised a tax upon every hide of land by the advice of his privy Councell alone. But you may remember how the subjects soon after the establishment of this Parliament began to stand upon terms with the King, and drew from him by strong hand and the sword the *great Charter*.

I u s T. Your Lordships sayes well, they drew from the King the *great Charter* by the sword, and hereof the Parliament cannot be accused, but the Lords.

C o u n s. You say well; but it was after the establishment of the Parliament, and by colour of it, that they had so great daring, for before that time they could not endure to hear of *St. Edwards* lawes, but resisting the confirmation in all they could, although
by

by those lawes the Subjects of this
Iland were no lesse free then any of
all *Europe*.

JUR. My good Lord, the reason is
manifest, for while the *Normans* and
others of the *French* that followed the
Conquerour made spoyle of the *En-
glish*, they would not endure that any
thing but the will of the Conquerour
should stand for Law; but after a di-
scant or two when themselves were
become *English*, and found themselves
beaten with their own rods, they then
began to favour the difference be-
tween subjection and slavery, and in-
sist upon the Law, *Mens & non*, and
to be able to say unto themselves, *hoc
fac & vives*: yea that the conquering
English in *Ireland* did the like, your
Lordship knowes it better than I.

COUNS. I think you guesse a-
right: And to the end the subject may
know that being a Faithfull servant to
his Prince he might enjoy his own
life, and paying to his Prince what be-
longs to a Sovereigne, the remainder
was his own to dispose. *Henry* the
first to content his vassals gave them
the *great Charter*, and the *Charter of
Forrests*.

JUR. What reason then had
K.

K. Iohn to deny the confirmation.

COUNS. He did not, but he on the contrary confirmed both the *Charters* with additions, and required the Pope whom he had then made his superior to strengthen him with a *golden Bull*.

IUST. But your honour knows, that it was not long, that he repented himself.

COUNS. It is true, and he had reason so to do, for the Barons refused to follow him into France, as they ought to have done, and to say true, this *great Charter* upon which you insist so much, was not originally granted Regally and freely; for *Henry* the first did usurpe the Kingdome, and therefore the better to assure himself against *Robert* his eldest Brother, he flattered the Nobility and people with those *Charters*. Yea King *Iohn* that confirmed them, had the like respect: for *Arthur* Duke of *Britain* was the undoubted heir of the Crown, upon whom *Iohn* usurped. And so to conclude, these *Charters* had their originall from Kings *de facto*, but not *de jure*.

IUST. But King *Iohn* confirmed the *Charter* after the death of his Nephew *Arthur*, when he was then *Rex de jure* also.

COUNS.

COUNS. It is true, for he durst do no other, standing accursed, whereby few or none obeyed him, for his Nobility refused to follow him into *Scotland*, and he had so grieved the people by pulling down all the Parke pales before harvest, to the end his Deere might spoil the corn; And by seizing the temporalities of so many Bishopricks into his hands, and chiefly for practising the death of the Duke of *Brittain* his Nephew, as also having lost *Normandy* to the French, so as the hearts of all men were turned from him.

IUST. Nay by your favour my Lord, King *John* restored K. *Edwards* Laws after his absolution, and wrote his letters in the 15 of his reigne to all Sheriffs countermanding all former oppressions, yea this he did notwithstanding the Lords refused to follow him into France.

COUNS. Pardon me, he did not restore King *Edwards* Lawes then, nor yet confirmed the Charters, but he promised upon his absolution to doe both: but after his return out of *France*. in his 16. year he denyed it, because without such a promise he had not obtained restitution, his promise

mise being constrained, and not voluntary.

J u s T. But what think you, was hee not bound in honour to performe it?

C o u N s. Certainly no, for it was determined, the case of King *Francis* the first of France, that all promises by him made, whilst he was in the hands of *Charles* the first his enemy, were void, by reason the Judge of honour, which tels us he durst doe no other.

J u s T. But King *John* was not in prison.

C o u N s. Yet for all that, restraint is imprisonment, yea, fear it self is imprisonment, and the King was subject to both: I know there is nothing more Kingly in a King than the performance of his word; but yet of a word freely and voluntarily given. Neither was the *Charter* of *Henry* the first so published, that all men might plead it for their advantage but a *Charter* was left (in deposit) in the hands of the Archbishop of *Canterbury* for the time, and so to his successors. *Stephen Langton*, who was ever a Traytor to the King, produced this *Charter*, and shewed it to the Barons, there-

thereby encouraging them to make war against the King. Neither was it the old *Charter* simply the Barons sought to have confirmed, but they presented unto the King other articles and orders, tending to the alteration of the whole common-wealth, which when the King refused to signe, the Barons presently put themselves into the field, & in rebellious and outrageous fashion sent the King word, except he confirmed them, they would not desist from making war against him, till he had satisfied them therein. And in conclusion, the King being betrayed of all his Nobility, in effect was forced to grant the *Charter of Magna charta*, and *Charta de Forestis*, at such time as he was environed with an Army in the Meadows of *Steynes*, which *Charters* being procured by force, Pope *Innocent* afterward disavowed, and threatned to curse the Barons if they submitted not themselves as they ought to their Sovereigne Lord, which when the Lords refused to obey, the King entertained an army of strangers for his own defence, where-with having Mastered and beaten the Barons, they called in *Lewis of France* (a most unnatural resolution) to be their

their King; Neither was *Magna Charta* a Law in the 19. of *Henry* the 2d. but simply a *Charter* which he confirmed in the 21 of his reigne, and made it a Law in the 25. according to *Littletons* opinion. Thus much for the beginning of the *Great Charter*, which had first an obscure birth from usurpation, and was secondly, fostered and shewed to the world by rebellion.

I u s T. I cannot deny but that all your Lordship hath said is true; but seeing the *Charters* were afterwards so many times confirmed by Parliament and made Lawes, and that there is nothing in them unequall or prejudicial to the King, doth not your Honour think it reason they should be observed?

C O U N S. Yes, and observed they are in all that the state of a King can permit, for no man is destroyed but by the Lawes of the land, no man disseized of his inheritance but by the Lawes of the land, imprisoned they are by the prerogative where the King hath cause to suspect their loyalty: for were it otherwise, the King should never come to the knowledge of any conspiracy or Treason against his Person or state, and being imprisoned, yet
doth

doth not any man suffer death but by the Law of the land.

J u s T. But may it please your Lordship, were not *Cornwallis, Sharpe,* and *Haskins* imprisoned, being no suspicion of Treason there?

C o u n s. They were; but it cost them nothing.

J u s T. And what got the King by it? for in the conclusion (besides the murmur of the people) *Cornwallis, Sharpe* and *Haskins* having greatly overshot themselves, and repented them, a fine of 5 or 600*l.* was laid on his Majesty for their offences, for so much their diet cost his Majesty.

C o u n s. I know who gave the advice, sure I am that it was none of mine: But thus I say, if you consult your memory, you shall find that those Kings which did in their own times confirme the *Magna Charta*, did not only imprison, but they caused of their Nobilitie and others to be slain without hearing or tryall.

J u s T. My good Lord, if you will give me leave to speak freely, I say, that they are not well advised that persuade the King not to admit the *Magna Charta* with the former reservations: For as the King can never lose a
fas-

a farthing by it as I shall prove anon : So except *England* were as *Naples* is, and kept by Garrisons of another Nation, it is impossible for a King of *England* to greaten and enrich himself by any way so assuredly, as by the love of his people : For by one rebellion the King hath more losse then by a hundred years observance of *Magna Charta*. For therein have our Kings been forced to camponed with Rogues and Rebels, and to pardon them, yea the state of the King, the Monarchie, the Nobility have been endangered by them.

COUN. Well Sir, let that passe, why should not our Kings raise money as the Kings of *France* do by their letters and Edicts onely ? for since the time of *Lewis* the 11. of whom it is said, that he freed the French Kings of their wardship ; the French Kings have seldome assembled the states for any contribution.

JUR. I will tell you why : the strength of *England* doth consist of the people and Yeomantry, the Pesants of *France* have no coutage nor armes : In *France* every Village and Barrrough hath a castle, which the French call *Chasteau Villain*, every good City hath

a good Cittadell, the King hath the Regiments of his guardes and his men at armes alwayes in pay; yea the Nobility of *France* in whom the strength of *France* consists, doe alwayes assist the King in those leavies, because themselves being free, they made the same leavies upon their Tennants. But my Lord, if you marke it, *France* was never free in effect from civill wars, and lately it was endangered either to be conquered by the Spaniard or to be cantonized by the rebellious French themselves, since that freedom of Wardship. But my good Lord, to leave this digression, that wherein I would willingly satisfy your Lordship, is, that the Kings of *England* have never received lesse by Parliament, or prejudice.

COUNS. No Sir, you shall find that the subjects in Parliament have decreed great things to the disadvantage and dishonour of our Kings in former times.

IUST. My good Lord, to avoide confusion, I will make a short repitition of them all, & then your Lordship may object where you see cause; And I doubt not but to give your Lordship satisfaction. In the six year of
Henry

Henry the 3d there was no dispute, the house gave the King two shillings of every plough'd land within England, and in the end of the same year he had *escuage* payed him (to wit) for every Knights fee two marks in silver. In the fifth year of that King, the Lords demanded the confirmation of the *Great Charter* which the Kings Council for that time present excused, alleading that those priviledges, were extorted by force during the Kings Minority, and yet the King was pleased to send forth his writ to the Sheriffes of every Countrey, requiring them to certifie what those liberties were, and how used, and in exchange of the Lords demand, because they pressed him so violently, the King required all the castles and places which the Lords held of his, and had held in time of his Father, with those Mannors and Lordships which they had heretofore wrested from the Crown, which at that time (the King being provided of forces) they durst not deny. In the 14 year he had the 15 peny of all goods given him, upon condition to confirme the *Great Charter*: For by reason of the wars in France, and the losse of Re-
bell,

well, he was then enforced to consent to the Lords in all they demanded. In the tenth of his reigne he fined the City of London at 50000. marks, because they had received Lewis of France. In the 11. year in the Parliament at Oxford, he revoked the great Charter, being granted when he was under age, and governed by the Earle of Pembroke and the Bishop of Winchester. In this 11. year the Earles of Cornwall and Chester, Marshall, Edward Earle of Pembroke, Gilbert Earle of Gloucester, Warren, Hereford, Ferrars, and Warwick, and others rebelled against the King, and constrained him to yeeld unto them in what they demanded for their particular interest, which rebellion being appeased, he sayled into France, and in his 15 year he had a 1/3rd of the temporality, and a disme and a halfe of the spirituality, and withall escheque of every Knights fee.

COUNS. But what say you to the Parliament of Westminster in the 16th. of the King, where notwithstanding the wars of France and his great charge in repulsing the Welsh rebels, he was flatly denied the Subsidy demanded.

JUST. I confesse, my Lord, that

the house excused themselves by reason of their poverty, and the Lords taking of Armes ; in the next year it was manifest that the house was practised against the King : And was it not so, my good Lord, think you in our two last Parliaments, for in the first even those whom his Majesty trusted most, betrayed him in the union, and in the second there were other of the great ones ran counter. But your Lordship spake of dangers of Parliaments, in this, my Lord, there was a denyall, but there was no danger at all : but to returne where I left, what got the Lords by practizing the house at that time ? I say that those that brake this Staffe upon the King, were overturned with the counterbuffe, for he resumed all those lands which he had given in his minority: he called all his exacting officers to accompt, he found them all faulty, he examined the corruption of other Magistrates, and from all these he drew sufficient money to satisfie his present necessity ; whereby he not only spared his people, but highly contented them with an act of so great Iustice : Yea *Hubert Earle of Kent*, the cheif Iustice whom he had most trusted, and most advance

ced, was found as false to the King as any one of the rest. And for conclusion, in the end of that year at the assembly of the States at *Lambeth*, the King had the fortieth part of every mans goods given him freely toward his debts: for the people, who the same year had refused to give the King any thing, when they saw he had squeezed those sponges of the Commonwealth, they willingly yielded to give him satisfaction.

COUNS. But I pray you what became of this *Hubert*, whom the King had favoured above all men, betraying his Majesty as he did.

IUST. There were many that perswaded the King to put him to death, but he could not be drawn to consent, but the King seized upon his estate which was great; yet in the end he left him a sufficient portion, and gave him his life, because he had done great service in former times: For his Majesty, though he tooke advantage of his vice; yet he forgot not to have consideration of his virtue. And upon this occasion it was that the King, betrayed by those whom he most trusted, entertained strangers, and gave them their offices and the charge of his

his Castles and strong places in England.

COUNS. But the drawing in of those strangers was the cause that Marshall Earle of Pembroke moved war against the King.

JUST. It is true, my good Lord, but he was soon after slain in Ireland, and his whole masculine race, ten years extinguished, though there were five Sons of them, and Marshall being dead, who was the mover and ring-leader of that war, the King pardoned the rest of the Lords that had assisted Marshall

COUNS. What reason had the King so to doe?

JUST. Because he was perswaded, that they loved his person, and only hated those corrupt Counsellors, that then bear the greatest sway under him, as also because they were the best men of war he had, whom if he destroyed, having war with the French he had wanted Commanders to have served him.

COUNS. But what reason had the Lords to take armes?

JUST. Because the King entertained the *Peisvins*, were not they the Kings vassals also? Should the
the

the *Spaniards* rebell, because the *Spanish* King trusts to the *Neapolitans*, *Portugues*, *Millanoes*, and other Nations his vassals, seeing those that are governed by the Vice-royes and deputies, are in pollicy to be well entertained & to be employed, who would otherwise devise how to free themselves; whereas, being trusted and imployed by their Prince, they entertain themselves with the hopes that other the Kings vassals do, if the King had called in the *Spaniards*, or other Nations, not his Subjects, the Nobilitie of *England* had reason of grief.

COUNS. But what people did ever serve the King of *England* more faithfully then the *Gascigners* did, even to the last of the conquest of that *Dutchie*;

JUST. Your Lordship sayes well, and I am of that opinion, that if it had pleased the Queen of *England* to have drawn some of the cheif of the *Irish* Nobilitie into *England* & by exchange to have made them good free-holders in *England* she had saved above 2. millions of pounds, which were consumed in times of those Rebellions. For what held the great *Gascigne* firm to the

Crown of *England* (of whom the Duke of *Espernon* married the Inheretrix) but his Earledome of *Kendall* in *England*, whereof the Duke of *Espernon* (in right of his Wife) beares the Title to this day? And to the same end I take it, hath *James* our Sovereign Lord given Lands to divers of the Nobilitie of *Scotland*. And if I were worthy to advise your Lordship, I should think, that your Lordship should do the King great service, to put him in mind to prohibite all the *Scottish* Nation to alienate and sell away their inheritance here; for they selling, they not only give cause to the *English* to complain, that the Treasure of *England* is transported into *Scotland*, but his Majestie is thereby also frustrated of making both Nations one, and of assuring the service and obedience of the *Scots* in future.

COUNS. You say well, for though those of *Scotland* that are advanced & enriched by the Kings Majesties will, no doubt serve him faithfully, yet how their heires and successors, having no inheritance to lose in *England*, may be seduced, is uncertain. But let us go on with our Parliament. And what say you to the denyall, in the
26th.

26th. year of his raigne, even when the King was invited to come into *France* by the Earle of *March*, who had married his Mother, and who promised to assist the King in the conquest of many places lost :

I u s T. It is true my good Lord, that a subsidie was then denied, and the reasons are delivered in *English Histories*, and indeed the King not long before had spent much Treasure in aiding the Duke of *Britaine* to no purpose ; for he drew over the King but to draw on good conditions for himself, as the Earle of *March* his father in law now did : As the *English Barons* did invite *Lewes* of *France* not long before, as in elder times all the Kings and States had done, and in late yeares the Leaguers of *France* entertained the *Spaniards*, and the *French Protestants* and *Netherlands*, Queen *Elizabeth*, not with any purpose to greaten those that aide them, but to purchase to themselves an advantageous peace. But what say the Histories to this denyall ? They say, with a world of payments there mentioned, that the King had drawn the Nobility die. And besides, that whereas not long before great summes of mo-

ney where given, & the same appointed to be kept in four Castles, and not to be expended but by the advice of the Peeres; it was believed, that the same Treasure was yet unspent.

COUNS. Good Sir you have said enough; judge you whether it were not a dishonor to the King to be so ryed, as not to expend his Treasure but by other mens advice, as it were by their licence.

IUST. Surely, my Lord, the King was well advised to take the money upon any occasion; and they were fooles that propounded the restraint; for it doth not appear, that the King took any great heed to those overseers: *Kings are bound by their piarie and by no other obligation.* In Queen Maries time, when it was thought that shee was with Child, it was propounded in Parliament, that the rule of the Realme should be given to King Philip, during the minority of the hoped Prince or Princess; and the King offered his assurance in great summes of money, to relinquish the Government at such time as the Prince or Princess should be of age: At which motion, when all else where silent in the House.
Lord

Lord Dacres (who was none of the wisest) asked who shall sue the King's Bonds : which ended the dispute, (for what other Bond is between a King and his vassals, then the Bond of the Kings Faith?) But, my good Lord, the King, notwithstanding the denyall at that time, was with gifts from particular persons, and otherwise, supplied for proceeding of his journey for that time into *France*; he took with him 30 Caskes filled with Silver and Coyne, which was a great Treasure in those dayes. And lastly, notwithstanding the first deniall, in the Kings absence he had Escuage granted him (to wit) 20 s. of every Knights Fee.

COUNS. What say you then to the 28th year of that King, in which when the King demanded reliefe, the States would not consent, except the same former order had bin taken for the appointing of 4 overseers for the treasure : as also that the Lord chief Justice and the L. Chancellor should be chosen by the States, with some Barons of the Exchequer and other officers.

IUST. My good Lord, admit the King had yielded their demands,

then whatsoever had been ordained by those Magistrates to the dislike of the Common-wealth, the people had been without remedie, whereas while the King made them, they had their appeal and other remedies. But those demands vanished, and in the end the King had escuage given him, without any of their conditions. It is an excellent virtue in a King to have patience, and to give way to the furie of mens passions. The Whale when he is stricken by the fisherman, growes in to that furie, that he cannot be resisted: but will overthrow all the ships and Barkes that come into his way; but when he hath tumbled awhile, he is drawn to the shore with a twin'd thred.

COUNS. What say you then to the Parliament in the 29th of that King.

JUS T. I say, that the Commons being unable to pay, the King relieves himself upon the richer sort; and so it likewise happened in the 33. of that King, in which he was relieved chiefly by the Citie of *London*. But, my good Lord, in the Parliament in *London* in the 38th. year, he had given him the tenth of all the revenues of the Church

Church for 3 years, and three marks of every Knights Fee throughout the Kingdome, upon his promise and oath upon the observing of *Magna Charta*, but in the end of the same year, the King being then in *France*, he was denyed the aides which he required. What is this to the danger of a Parliament? especially at this time they had reason to refuse, they had given so great a summe in the beginning of the same year. And again, because it was known that the King had but pretended war with the King of *Castile*, with whom he had secretly contracted an alliance, and concluded a Marriage betwixt his Son *Edward* and the Lady *Eleanor*. These false fires do but fright Children, and it commonly falls out, that when the cause given is known to be false, the necessitie pretended is thought to be fained. Royall dealing hath evermore Royall successe: and as the King was denyed in the eight and thirtieth year, so was he denyed in the nine and thirtieth year, because the Nobilitie and the people saw it plainly, that the King was abused by the Pope, who as well in despite to *Manfred* bastard Son to the Emperour *Frederick* the second: as to

couzen the King and to waste him, would needs bellow on the King the Kingdome of *Sicily*; to recover which the King sent all the Treasure he could borrow or scrape to the Pope, and withall gave him letters of credence, for to take up what he could in *Italy*, the King binding himself for the payment. Now, my good Lord, the wisdom of Princes is seen in nothing more then in their enterprises. So how unpleasing it was to the State of *England* to consume the Treasure of the Land, and in the conquest of *Sicily* so far off, and otherwise, for that the *English* had lost *Normandie* under their noses, and so many goodly parts of *France*, of their own proper inheritances: the reason of the denyall is as well to be considered as the denyall.

COUNS. Was not the King also denied a Subsidie in the sortie first of his reigne?

IUST. No, my Lord: for although the King required mony as before, for the impossible conquest of *Sicily*, yet the House offered to give 52000 marks, which whether he refused or accepted, is uncertain: and whilst the King dreamed of *Sicily*, the *Walsh* invaded

invaded and spoyled the borders of England ; for in the Parliament of London, when the King urged the House for the prosecuting the conquest of Sicily, the Lords utterly disliking the attempt, urged the prosecuting of the Welshmen : which Parliament being prorogued did again assemble at Oxford, and was called the mad Parliament, which was no other then an assembly of rebels, for the royal assent of the King which gives life to all Lawes, form'd by the three estates, was not a royall assent, when both the King and the Prince were constrained to yield to the Lotds. A constrained consent is the consent of a Captive and not of a King and therefore there was nothing done there either legally or royally. For if it be not properly a Parliament where the subject is not free, certainly it can be none where the King is bound, for all Kingly rule was taken from the King, and twelve Peers appointed, and as some Writers have it 24. Peeres, to govern the Realme, and therefore the assembly made by Jack Straw and other rebels may aswell be called a Parliament as that of Oxford. *Principi nuncu habere, non est esse princeps.*
for

for there by was the K. driven not on-ly to compound all quarrels with the French, but to have meanes to be re-venge'd on the rebell Lords : but hee quitted his right to Normandy, Anjou and Mayne.

COUNS. But Sir, what needed this extremity, seeing the Lords required but the confirmation of the former Charter, which was not prejudiciall to the King to grant?

JUST. Yes my good Lord, but they insulted upon the King, and would not suffer him to enter into his own Castles, they put down the Purveyor of the meat for the maintenance of his house : as if the King had been a bankrupt, and gave order that without ready money he should not rake up a Chicken. And though there is nothing against the royalty of a King in these Charters (the Kings of England being Kings of freemen and not of slaves) yet it is so contrary to the nature of a King to be forced even to those things which may be to his advantage, as the King had some reason to seek the dispensation of his oath from the Pope, and to draw in strangers for his own defence : yea *jure salvo Corona nostra* is intended in-clusi-

clusively in all oathes and promises exacted from a Sovereign,

COUNS. But you cannot be ignorant how dangerous a thing it is to call in other Nations both for the spoil they make, as also, because they have often held the possession of the best places with which they have been trusted.

JUS T. It is true my good Lord, that there is nothing so dangerous for a King as to be constrained and held as a prisoner to his vassals, for by that, *Edward* the second, and *Richard* the second lost their Kingdomes and their lives. And for calling in of strangers, was not King *Edward* the sixth driven to call in strangers against the Rebels in Norfolk, Cornewall, Oxfordshire and elsewhere? Have not the Kings of Scotland been oftentimes constrained to entertain strangers against the Kings of England: And the King of England at this time had he not been diverse times assisted by the Kings of Scotland had, bin endangered to have been expelled for ever.

COUNS. But yet you know those Kings were deposed by Parliament.

JUS T. Yea my good Lord being Prisoners, being out of possession, and
being

being in their hands that were Princes of the bloud and pretenders. It is an old Countrey Proyerbe, (that *Might overcomes Right*), a weak title that weares a strong sword, commonly prevayles against a strong title that weares but a weak one, otherwise *Philip* the second had never been Duke of Portugall, nor Duke of Millayne, nor King of Naples & Sicily. But good Lord, *Errores non sunt arabendi in exemplum*. I speak of regall, peaceable, and lawfull Parliaments. The King at this time was but a King in name, for Gloucester, Leicester and Chichester made choice of other Nine, to whom the rule of the Realme was committed, and the Prince was forced to purchase his liberty from the Earle of Leicester, by giving for his ransoine the Countey Pallatine of Chester. But my Lord let us judge of those occasions by their events, what became of this proud Earle? was he not soon after slain in *Evesham*? was he not left naked in the field, and left a shamesfull spectacle, his head being cut off from his shoulders, his privie parts from his body, and laid on each side of his nose? And did not God extinguish his race after which in a lawfull Parliament

liament at Westminster (confirmed in a following Parliament of Westminster) were not all the Lords that followed Leycester disinherited? And when that fool Gloucester after the death of Leycester (whom he had formerly forsaken) made himself the head of a second Rebellion, and called in strangers, for which not long before he had cried out against the King, was not he in the end, after that he had seen the slaughter of so many of the Barons, the spoil of their Castles, and Lordships, constrained to submit himself, as all the survivors did, of which they that sped best, payed their fines and ransomes, the King reserving his younger Son, the Earledomes of Leycester and Derby.

COUNS. Well Sir, we have disputed this King to the grave, though it be true, that he out-lived all his enemies, and brought them to confusion, yet those examples did not terrifie their successors, but the Earle Marshall, and Hereford, threatned King Edward the first, with a new War.

JUS. They did so, but after the death of Hereford, the Earle Marshall repented himself, and to gain the Kings favour, he made him heir
of

of all his Lands. But what is this to the Parliament ? for there was never King of this land had more ; even him for the time of his reign, then *Edward* the Son of *Henry* the third had.

C O U N S. How doth that appear?

J U S T. In this sort my good Lord, in this Kings third year he had given him the fifteenth part of all goods. In his sixth year a twentieth. In his twelfth year a twentieth, in his fourteenth year he had escuage (to wit) forty shillings of every Knights Fee, in his eighteenth year he had the eleventh part of all moveable goods within the Kingdome, in his nineteenth year the tenth part of all Church livings in England, Scotland and Ireland for six years, by agreement from the Pope in his three and twentieth year he raised a taxe upon Wool and tels, and on a day caused all the religious houses to be searched, and all the treasure in them to be seized and brought to his coffers, excusing himself by laying the fault upon his Treasurer: he had also in the end of the same year, of all goods of all Burgeses, and of the Commons the 10th part, in the 25th year of the Parliament of *St. Edmundsbury*, he had an 15th part of the goods

goods of the Burgesles, and of the people in generall, the tenth part. He had also the same year by putting the Clergie out of his protection a fifth part of their goods, and in the same year he set a great tax upon Wools, to wit from half a marke to 40 s. upon every sack, whereupon the Earle Marshall, and the Earle of Hereford refusing to attend the King to *Flanders*, pretended the grievances of the people. But in the end the King having pardoned them, and confirmed the great Charter, he had the ninth penny of all goods from the Lords & Commons of the Clergie, in the South he had the tenth penny, and in the North the fift penny. In the two and thirtieth year he had a subsidy freely granted. In the three and thirtieth year he confirmed the great Charter of his own Royall disposition, and the states to shew their thankfullnesse, gave the King for one year, the fift part of all the revenues of the land, and of the Citizens the sixt part of their goods. And in the same year the King used the inquisition called *Traite Baston*. By which all Justices and other Magistrates were grievously fined that had used extortion

tion or bribery, or had otherwise misdemeaned themselves to the great contentation of the people. This Commission likewise did enquire of entrudors, barators, and all other the like virmine, whereby the King gathered a great masse of treasure with a great deal of love. Now for the whole raigne of this King, who governed *England* 35 years, there was not any Parliament to his prejudice.

COUNS. But there was taking of armes by *Marshall* and *Hereford*.

JUST. That's true, but why was that? because the King, notwithstanding all that was given him by Parliament. did lay the greatest taxes that ever King did without their consent. But what lost the King by those Lords? one of them gave the King all his lands and the other dyed in disgrace.

COUNS. But what say you to the Parliament in *Edward* the Second time his successor: did not the house of Parliament banish *Prince Gaveston* whom the King favoured?

JUST. But what was this *Gaveston* but an Esquier of *Gascogne*, formerly banisht the Realme by King *Edward* the first, for corrupting the Prince *Edward*, now rainging! And the whole
King

Kingdome fearing and detesting his
venemous disposition, they besought
His Majestie to cast him off, which the
King performed by an Act of his own,
and not by Act of Parliament, yea
Gavestones own father in Law, the
Earl of *Gloucester*, was one of the chief-
est of the Lords that procured it. And
yet finding the Kings affection to fol-
low him so strongly, they all consent-
ed to have him recalled. After which
when his credit so encreased, that he
despised and set at naught, all the an-
cient Nobility, and not onley per-
swaded the King to all manner of
outrages and riots, but withall tran-
sporting what he listed of the Kings
Treasure, and Jewels; the Lords ur-
ged his banishment the second time,
but neither was the first nor second
banishment forced by Act of Parlia-
ment, but by the forceable Lords his
Enemies. Lastly he being recalled by
the King, the Earl of *Lancaster* caused
his head to be stricken off, when those
of his party had taken him prisoner.
By which presumptuous act, the Earl
and the rest of his company commit-
ted Treason and murder: Treason by
raising an Army without warrant,
murder by taking away the life of the
Kings

Kings subjects. After which *Gaveston* being dead, the *Spencers* got possession of the Kings favour, though the younger of them was placed about the King, by the Lords themselves.

C O U N S. What say you then to the Parliament held at London about the Sixt year of that King.

J U S T. I say that the King was not bound to perform the acts of this Parliament, because the Lords being too strong for the King, inforced his consent, for these be the words of our own History. *They wrested too much beyond the bounds of reason.*

C O U N S. What say you to the Parliaments of the White wands in the 13th of the King.

I U S T. I say the Lords that were so moved, came with an Army, and by strong hand surprized the King, they constrained, (saith the story) the rest of the Lords, and compelled many of the Bishops to consent unto them, yea it saith further, that the King durst not but grant to all that they required, (to wit) for the banishment of the *Spencers*. Yea they were so insolent that they refused to lodge the Queen comming through *Kent* in the Castle of *Leedes*, and sent her to provide

provide her lodging where she could get it so late in the night, for which notwithstanding some that kept her out were soon after taken and hang'd; and therefore your Lordship cannot call this a Parliament for the reasons before alleadged. But my Lord what became of these Lawgivers to the King, even when they were greatest, a Knight of the North called *Andrew Herkeley*, assembled the forces of the Country, overthrew them and their Army, slew the Earle of *Hereford*, and other Barons, took their generall *Thomas Earle of Lancaster*, the Kings cozen-germane at that time possessed of five Earledomes, the Lords *Clifford*, *Talbot*, *Monbray*, *Maudslai*, *Willington*, *Warren*, Lord *Darcy*, *Witbers*, *Kneville*, *Leybourne*, *Bekes*, *Levell*, *Fitzwilliams*, *Watersvold*, and divers other Barons, Knights and Esquires, and soon after the Lord *Percy*, and the Lord *Warren* took the Lords *Baldsevere*, and the Lord *Andley*, the Lord *Teis*, *Gifford*, *Tucher*, and many others that fled from the battaile, the Most of which past under the hands of the hangman, for constraining the King under colour and name of a Parliament. But this your good Lordship may judge, to whom

whom, those tumultuous assemblies (which our Histories, falsely call Parliaments have been dangerous, the King in the end ever prevailed, and the Lords lost their lives, and estates. After which the *Spencers* in their banishment at *York*, in the 13th. of the King, were restored to there honors and estates, & therein the King had a subsidy given him the sixt penny of goods throughout *England, Ireland, and Wales*.

COUNS. Yet you see the *Spencers* were soon after dissolved.

IUSUR, It is true my Lord, but that is nothing to our subject of Parliament, they may thank their own infolencie, for they branded and despised the Queen, whom they ought to have honored as the Kings wife; they were also exceeding greedy, and built themselves upon other mens ruines; they were ambitious and exceeding malicious, whereupon that came, that when Chamberlain *Spencer* was hang'd in *Hereford*, a part of the 24th Psalm was written over his head: *Quid gloriaris in malitia potens?*

COUNS, Well Sir, you have all this while excused your self upon the strength and rebellions of the Lords, but

but what say you now to King Edward the third, in whose time (and during the time of this victorious King, no man durst take Armes or rebell) the three estates did him the greatest affront that ever King received or endured, therefore I conclude where I began, that these Parliaments are dangerous for a King.

Jus T. To answer your Lordship in order, may it please you first to call to mind, what was given this great King by his subjects before the dispute betwixt him and the house happened, which was in his latter dayes, from his first year to his fift year there was nothing given the King by his Subjects. In his eight year at the Parliament at London a tenth and a fifteenth was granted. In his tenth year he ceased upon the *Italians* goods here in *England* to his own use, with all the goods of the *Monkes* *Cluniackes* and others, of the order of the *Cisterrians*. In the eleaventh year, he had given him by the Parliament a notable relief, the one half of the Wools throughout *England*, and of the Clergy all their Woolls, after which, in the end of the year he had granted in his Parliament at *Westmin-*

ster, forty shillings upon every sack of Wool, and for every 30 wooll-fels forty shillings; for every last of leather, as much, and for all other merchandizes after the same rate. The King promising that this years gathering ended, he would thereafter content himself with the old customs, he had over and above this great aide the eight part of all goods of all Citizens and Burgeses; and of others, as of forreigne Merchants, and such as lived not of the gain of breeding of sheep and cattell the fifteenth of their goods. Nay my Lord, this was not all, though more then ever was granted to any King, for the same Parliament bestowed on the King the ninth sheaf of all the corn within the Land, the ninth fleece, and the ninth lambe for two years next following; now what think your Lordship of this Parliament.

COUNS. I say they were honest men:

IUST. And I say, the people were as loving to their King now, as ever they were. If they be honestly and wisely dealt withall, and so his Majesty hath found them in his last two Parliaments, if his Majesty had not been

been betrayed by those whom he most trusted.

COUNS. But I pray you Sir, who shall a King trust, if he may not trust those whom he hath so greatly advanced?

IUST. I will tell your Lordship whom the King may trust.

COUNS. Who are they?

IUST. His own reason, and his own excellent Indgement which have not deceived him in any thing, wherein his Majesty hath been pleased to exercise them, *Take Cancell of thine heart* (saith the book of Wisdome) *for there is none more faithfull unto thee then it.*

COUNS. It is true, but his Majesty found that those wanted no judgement whom he trusted, and how could his Majestie divine of their honesty?

IUST. Will you pardon me if I speak freely, for if I speak out of love, which (as Solomon saith) *covereth all offences*; The truth is, that his Majestie would never believe any man that spake against them, and they knew it well enough, which gave them boldnesse to do what they did.

COUNS. What was that?

IUST. Even, my good Lord, to

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ruine the Kings estate so far as the state of so great a King may be ruin'd by men ambitious and greedy without proportion. It had been a brave increase of revenue, my Lord, to have rayseed 50000l. land of the Kings to 20000l. revenue, and to raise the revenue of wards to 30000l. more, 40000l. added to the rest of his Majesties estate, had so enabled his Majesty, as he could never have wanted. And my good Lord, it had been an honest service to the King, to have added 7000 lands of the Lord Cobham, his Woods & goods being worth 30000 l. more.

COUNS. I know not the reason why it was done.

JUS T. Neither doth your Lordship, perchance know the reason why the 10000 l. offer'd by *Swinnerston* for a fine of the *French* wines, was by the then Lord Treasurer conferr'd on *Dorsetshire* and his *Mistress*.

COUNS. What mov'd the Treasurer to reject and crosse that raising of the Kings lands?

JUS T. The reason, my good Lord is manifest, for had the land been rayseed, then had the King known what he had given or exchanged land

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what he had given or exchanged.

C o u n s. What hurt had been to the Treasurer whose Office is truly to inform the King of the value of all that he giveth ?

J u s T. So he did, when it did not concerne himself nor his particular, for he could never admit any one peece of a good Mannor to passe in my Lord *Aubignes* book of 1000l. land, till he himself had bought, and then all the remaining flowers of the Crowne were culled out. Now, had the Treasurer suffer'd the Kings lands to have been raised, how could his Lordship have made choice of the old rents, as well in that book of my Lord *Aubigne*, as in exchange of *Trebbalds*, for which he took *Harfrild* in it, which the greatest subject, or favorite Queen *Elizabeth* had never durst have named unto her by way of gift or exchange. Nay my Lord, so many other goodly Mannors have passed from his Majestie, as the very heart of the Kingdome mourneth to remember it, and the eyes of the Kingdome shedde tears continually at the beholding it : yea the soul of the Kingdome is heavy unto death with the consideration thereof, that so

magnanimous a Prince should suffer himself to be so abused.

COUNS. But Sir you know that Cobham's lands were entayled upon his Cozens.

IUST. Yea my Lord, but during the lives and races of George Brooke his children, it had been the Kings, that is to say, for ever in effect, but to wrest the King, and to draw the inheritance upon himself, he perswaded his Majestie to relinquish his interest for a pretty summe of money; and then there might be no counter working, he sent Brooke 6000 l. to make friends, whereof Lord Huns had 2000 l. back again, Buckhurst and Berwick had the other 4000 l. and the Treasurer and his heirs the masse of land for ever.

COUNS. What then I pray you came to the King by this confiscation.

IUST. My Lord, the Kings Majestie by all those goodly possessions, Woods and goods, loseth 500 l. by the year which he giveth in pension to Cobham, to maintain him in prison.

COUNS. Certainly, even in conscience they should have reserved so much of the land in the Crown, as to have

have given Cobben meat and apparell, and not made themselves so great gainers, and the King 300 l. (*per annum*) losse by the bargain, but it's past: *Consilium non est eorum quæ fieri nequeunt.*

I u s r. Take the rest of the Sentence, my Lord: *Sed consilium versatur in iis quæ sunt in nostra potestate.* It is yet, my good Lord, in *potestate Regis*, to right himself. But this is not all my Lords And I fear me, knowing your Lordships love to the King, it would put you in a fever to hear all, I will therefore go on with my Parliaments.

C o u n s. I pray do so, and amongst the rest. I pray you what say you to the Parliament holden at London in the fifteenth year of King Edward the third;

I u s r. I say there was nothing concluded therein to the prejudice of the King. It is true, that a little before the sitting of the house, the King displaced his Chancellor and his Treasurer, and most of all his Judges and Officers of the Exchequer, and committed many of them to prison, because they did not supply him with money, being beyond the Seas, for

the rest, the States assembled, besought the King that the Lawes of the two Charters might be observed; and that the great Officers of the Crowne might be chosen by Parliament.

COUNS. But what successe had these petitions.

IUST. The Charters were observed, as before, and so they will be ever, and the other petition was not rejected, the King being pleas'd, notwithstanding, that the great Officers, should take an oath in Parliament to do Justice. Now for the Parliament of *Westminster* in the 17th year of the King, the King had three markes and a half for every sack of Wooll, transported; and in his 18th. he had a 10th of the Clergie, and a 15th of the Laity for one year. His Majestie forbore after this to charge his Subjects with any more payments, untill the 29th of his reigne, when there was given the King by Parliament 50 for every sack of Wooll transported for six years, by which grant, the King received a thousand markes a day, a greater matter then a thousand pounds in these dayes, and a 1000l. a day amounts to 365000l. a year, which was one of the greatest presents

presents that ever was given to a King of this land. For besides the cheapnesse of all things in that age, the Kings souldiers had but 3d. a day wages, a man at armes 6d. a Knight but 2s. In the Parliament at *Westminster*, in the 33th year he had 26s. 8d. for every sack of Wooll transported, and in the 43th year 3 dismes and 3 fiftenees. In his 45th year he had 50000l. of the Laity, and because the Spirituality disputed it, and did not pay so much the King chang'd his Chancellour. Treasurer, & Privy Seal being Bishops and placed Lay men in their roome,

COUNS. It seems that in those dayes the Kings were no longer in love with their great Chancellors, then when they deserved well of them.

JUR. No my Lord, they were not, and that was the reason they were well served, and it was the custome then, and in many ages after, to change the Treasurer & the Chancellour every 3 years, and withall to hear all mens complaints against them.

COUNS. But by this often change, the saying is verified, that there is no inheritance in the favour of Kings. *He that keepeth the figge tree (saith Solomon) shall eat the fruit thereof;*

for reason it is that the servant live by the Master.

I u s T. My Lord, you say well in both, but had the subject an inheritance in the Princes favour, where the Prince hath no inheritance in the Subjects fidelity, then were Kings in more unhappy estate then common persons: for the rest, Solomon remembereth not, that he that *keepeth the figg tree* should surfeit, though he meant he should eat, he meant not he should break the branches in gathering the figs, or eat the ripe, and leave the rotten for the owner of the tree; for what saith he in the following chapter, he saith that *he that maketh haste to be rich cannot be innocent*. And before that, he saith, that *the end of an inheritance hastily gotten, cannot be blessed*. Your Lordship hath heard of few or none great with Kings, that have not used their power to oppress, that have not grown insolent and hatefull to the people; yea, insolent towards these Princes that advanced them.

C O U N S. Yet you see that Princes can change their fancies.

I u s T. Yea my Lord, when favorites change their faith, when they forget that how familiar soever Kings make

make themselves with their Vassals, yet they are Kings: *He that provoketh a King to anger, (saith Solomon) smiteth against his own soul.* And he further saith, that *pride goeth before distraction, and a high mind before a fall.* I say therefore, that in discharging those Lucifers, how dear soever they have been, Kings make the world know that they have more of Iudgement then of passion, yea they thereby offer a satisfactory sacrifice to all their people, too great benefits of subjects to their King, where the minde is blown up with their own deservings, and to great benefits of Kings confer'd upon their Subjects, where the minde is not qualified with a great deal of modesty are equally dangerous. Of this later and insolenter, had King *Richard the second* delivered up to Iustice but three or four, he had still held the love of the people, and thereby his life and estate.

COUNS. Well, I pray you go on with your Parliaments.

IUST. The life of this great King *Edward* drawes to an end, so do the Parliaments of this time, where in 30 years raigne, he never received any affront, for in his 49th year he had a
disne

disme and a fifteen granted him free-
y.

COUNS. But Sir it is an old saying, that all is well that ends well, Judge you whether that in his 13th. year in Parliament at *Westminster* he received not an affront, when the house urged the King to remove and discharge from his presence the Duke of *Lancaster*, the Lord *Latimer* his Chamberlaine, Sir *Richard Stur-ry*, and others whom the King favoured and trusted. Nay, they pressed the King to thrust a certain Lady out of Court, which at that time bare the greatest sway therein.

IUST. I will with patience answer your Lordship to the full, and first your Lordship may remember by that which I even now said, that never King had so many gifts as this King had from his subjects, and it hath never grieved the subjects of *England* to give to their King, but when they knew there was a devouring Lady, that had her share in all things that passed, and the Duke of *Lancaster* was as scraping as shee, that the Chancellour did eat up the people as fast as either of them both. It grieved the subjects to feed these Cormorants,
But

But my Lord there are two things by which the Kings of *England* have been prest, (to wit) by their subjects, and by their own necessities. The Lords in former times were farre stronger, more warlike, better followed, living in their Countie, then now they are. Your Lordship may remember in your reading, that there were many Earls could bring into the field a thousand Barbed horses, many a Battalion 5. or 600. Barbed horses, whereas now very few of them can furnish twenty fit to serve the King. But to say the truth my Lord, the Justices of peace in *England*, have oppos'd the injusticers of war in *England*, the Kings writ runs over all, and the great Seal of *England*, with that of the next Constables will serve the turn to affront the greatest Lords in *England*, that shall move against the King. The force therefore by which our Kings in former times were troubled is vanisht away. But the necessities remain. The people therefore in these later ages, are no lesse to be pleased then the Peeres; for as the later are become lesse, so by reason of the trayning through *England*, the Commons have all the weapons in their hand.

COUNS.

COUNS. And was it not so ever?

IUST. No my good Lord; for the Noblemen had in their Armories, to furnish some of them a thousand, some two thousand, some three thousand men, whereas now there are not many that can arme fifty.

COUNS. Can you blame them? But I will only answer for my self, between you and me be it spoken; I hold it not safe to maintain so great an Armory or Stable, it might cause me, or any other Nobleman to be suspected, as the preparing of some Innovation.

IUST. Why so my Lord, rather to be commended as preparing against all danger of Innovation.

COUNS. It should be so, but call your observation to accompt, and you shall find it as I say, for (indeed) such a jealousie hath been held ever since the time of the Civil wars, over the Military greatness of our Nobles, as made them have little will to bend their studies that wayes: wherefore let every man provide according as he is rated in the Muster Book, you understand me.

IUST. Very well my Lord, as what might be replied in the perceiving

ving so much: I have ever (to deal plainly and freely with your Lordship) more fear'd at home popular violence, then all the forreine that can be made, for it can never be in the power of any forraigne Prince without a Papisticall party, rather to disorder or endanger his Majesties Estate.

C O U N S. By this it seems, it is no lesse dangerous for a King to leave the power in the people, then in the Nobility.

J u s T. My good Lord, the wisdom of our own age, is the foolishness of another; the time present ought not to be preferr'd to the policy that was, but the policy that was to the time present; so that the power of the Nobility being now withered, and the power of the people in the flower, the care to content them would not be neglected, the way to win them often practiz'd, or at least to defend them from oppression. The motive of all dangers that ever this Monarchy hath undergone, should be carefully heeded, for this *Maxima* hath no posterne. *Potestas humane redditur in voluntatibus hominum.* And now my Lord, for King Edward, it is true, though he were not subject to force

force, yet was he subject to necessity, which because it was violent, he gave way unto it, *Potestas* (saith *Pithagoras*) *juxta necessitatem habitat*. And it is true, that at the request of the house he discharged and put from him those before named, which done, he had the greatest gift (but one) that ever he received in all his dayes (to wit) from every person, man and woman, above the age of fourteen years 4d. of old money; which made many Millions of Groats, worth 6l. of our money. This he had in generall, besides he had of every beneficed Priest, 12d And of the Nobility and Gentry, I know not how much, for it is not set down. Now my good Lord, what lost the King by satisfying the desires of the Parliament house, for as soon as he had the money in purse, he recalled the Lords and restored them, and who durst call the King to accompt, when the Assembly were dissolved. *where the word of a King is, there is power* (saith *Ecclesiasticus*) *who shall say unto him, what doest thou!* saith the same Author, for every purpose there is a time and judgement, the King gave way to the time, and his judgement perswaded him to yeeld to necessity, *Consularius*

nemo melior est quam tempus.

COUNS. But yet you see the King was forc'd to yeeld to their demands.

JAS T. Doth your Lordship remember the saying of *Monsieur de Lange* that he that hath profit of the war, hath also the honour of the war, whether it be by battaile or retreat, the King you see hath the profit of the Parliament, and therefore the honour also, what other end had the King then to supply his wants. A wise man hath evermore respect unto his ends: and the King also knew that it was the love that the people bare him, that they urged the removing of those Lords, there was no man among them that sought himself in that desire, but they all sought the King, as by the successe it appeared. My good Lord, hath it not been ordinary in *England* and in *France* to yeeld to the demands of rebels, did not King *Richard* the second grant pardon to the outrageous rogues and murderers that followed *Jack Straw*, and *Wat Tyler*, after they had murdered his Chancellor, his Treasurer, Chief Justice, and others? brake open his Exchequer, and committed al

all manner of outrages and villanies, and why did he do it, but to avoid a greater danger: I say the Kings have then yielded to those that hated them and their estates, (to wit) to pernicious rebels. And yet without dishonour, shall it be called dishonour for the King to yeild to honest desires of his subjects? No my Lord, those that tell the King those tales, fear their own dishonour, and not the Kings; for the honour of the King is supreme, and being guarded by justice and piety, it cannot receive neither wound nor stain.

COUNS. But Sir, what cause have any about our King to fear a Parliament?

JUST. The same cause that the Earle of Suffolk had in Richard the seconds time, and the Treasurer *Fartham*, with others, for these great Officers being generally hated for abusing both the King and the Subject, at the request of the States were discharged, and others put in their roomes.

COUN. And was not this dishonour to the King?

JUST. Certainly no, for King Richard knew that his Grandfather had done the like, and though the
King

King was in his heart utterly against it, yet had he the profit of this exchange; for *Suffolke* was fined at 20000 markes, and 1000-l. lands.

COUNS. Well Sir, we will speak of those that fear the Parliament some other time, But I pray you go on with that, that happened in the troublesome raigne of *Richard* the second who succeeded, the Grandfather being dead.

IUST. That King, my good Lord, was one of the most unfortunate Princes that ever *England* had, he was cruell, extreame prodigall, and wholly carried away with his two Minions, *Suffolk*, and the Duke of *Ireland*, by whose ill advice and others, he was in danger to have lost his estate, which in the end (being led by men of the like temper) he miserably lost. But for his subsidies he had given him in his first year being under age two ten sh. and two pence: In which Parliament, *Alice Pierce*, who was removed in King *Edwards* time, with *Lancaster*, *Latimer*, and *Sturmy*, were confiscate and banished, in his second year at the Parliament at *Gleesfor*, the King had a marke upon every sack of Wooll, and 6d. the pound upon wards.

wards. In his third year at the Parliament at *Winchester*, the Commons were spared, and a subsidy given by the better sort, the Dukes gave 20 marks, and Earls 6 marks, Bishoppes and Abbots with myters six marks, every marke 3s. 4d: and every Knight, Justice, Esquire, Shrieve, Person, Vicar, & Chaplaine, paid proportionably according to their estates.

COUNS. This me thinks was no great matter.

JUR. It is true my Lord, but a little money went far in those dayes: I my self once moved it in Parliament in the time of *Queen Elizabeth*, who desired much to spare the Common people, & I did it by her Commandement; but when we cast up the subsidy Books, we found the summe but small, when the 30l. men were left out. In the beginning of his fourth year, a tenth with a fifteen were granted upon condition that for one whole year no subsidies should be demanded; but this promise was as suddenly forgotten as made, for in the end of that year, the great subsidy of Poll money was granted in the Parliament at *Northampton*.

COUNS. Yea but there followed the

the terrible Rebellion of Bekey, Strevyn and others, Leisler, Wrait, and others,

J u s T. That was not the fault of the Parliament my Lord, it is manifest that the subsidy given was not the cause; for it is plain that the bondmen of England begun it, because they were grievously press'd by their Lord, in their tenure of Villenage, as also for the hatred they bare to the Lawyers and Atturneyes: for the story of those times say, that they destroyed the houses and Mannors of men of Law, & such Lawyers as they caught, slew them, and beheaded the Lord chief Justice, which commotion being once begun, the head money was by other rebels pretended: A fire is often kindled with a little straw, which oftentimes takes hold of greater timber, & consumes the whole building: And that this Rebellion was begun by the discontented slaves (whereof there have been many in Elder times the like) is manifest by the *Charter of Manumission*, which the King granted in *hoc verba*, *Rich. Dei gratia &c. Sciatis quod de gratia nostra spiritualium manumissimus*, &c. to which seeing the King was constrained by force of armes, he revoked the letters Patents,

and

and made them voide, the same revocation being strengthened by the Parliament ensuing, in which the King had given him a subsidy upon Woods, called a *Maler*: In the same fourth year was the Lord Treasurer discharged of his Office, and *Hales* Lord of St. Iohar chosen in his place: in his fift year was the Treasurer again changed, and the staffe given to *Seyrave*, and the Lord Chancellor was also changed, and the staffe given to the Lord *Scroope*: Which Lord *Scroope* was again in the beginning of his sixt year turned off, and the King after that he had for a while kept the Seal in his own hand, gave it to the Bishop of *London*, from whom it was soon after taken and bestowed on the Earle of *Suffolke*, who they say had abused the King, and converted the Kings Treasure to his own use. To this the King condescended. And though (saith *Walsingham*) he deserved to loose his life and goods, yet he had the favour to go at liberty upon good sureties, and because the King was but young & that the reliefe granted was committed to the trust of the Earle of *Arundell* for the furnishing of the Kings Navy against the French.

COUNS.

COUNS. Yet you see it was a dishonour to the King to have his beloved Chancellour removed.

JUST. Truly so, for the King had both his finestool. lands and a subsidy to boot. And though for the present it pleased the King to fancy a man all the world hated (the Kings passion overcoming his judgement) yet it cannot be called a dishonour, for the King is to believe the generall counsell of the Kingdome, and to prefer it before his affection, especially when *Suffolke* was proved to be false even to the King; for were it otherwise, love and affection might be called a frenzie and a madness, for it is the nature of humane passions, that the love bred by fidelity, doth change it self into hatred, when the fidelity is first changed into falshood.

COUNS. But you see there were thirteen Lords chosen in the Parliament, to have the oversight of the government under the King.

JUST. No my Lord, it was to have the oversight of those Officers, which (saith the story) had inhered, lewdly wasted, and prodigally spent the Kings Treasure, for to the Commission to those Lords, or to any six
of

of them, joynd with the Kings Counsell, was one of the most royall and most profitable that ever he did, if he had been constant to himself. But my good Lord, man is the cause of his own misery, for I will repeat the substance of the Commission granted by the King, and confirmed by Parliament, which, whether it had bin profitable for the King to have prosecuted, your Lordship may judge. The preamble hath these words: *Whereas our Sovereign Lord the King perceiveth by the grievous complaints of the Lords and Commons of this Realme, that the rents, profits, and revenues of this Realme, by the singular and insufficient Councell and evill government, as well of some his late great Officers and others, as are so much withdrawn, wasted, given, granted, alienated, destroyed, and evill dispended, that he is so much impoverished and void of treasure and goods, and the substance of the Crown so much diminished and destroyed, that his estate may not honorably be sustained as appertaineth. The King of his free will at the request of the Lords and Commons, hath ordained William Archbishop of Canterbury and others with his Chancellor, Treasurer, keeper of his privy seal, &c.*

Survey and examine as well the estate and
governance of his house, &c. as of all the
lands, and profits, and revenues that in
him appertaineth, and so be due, or ought to
appertain and be due, &c. And all manner
of gifts, grants, alienations and confirma-
tions made by him of lands, tenements,
rents, &c. bargained and sold to the pre-
judice of him and his Crown, &c. And of
his jewels & goods which were his Grand-
fathers at the time of his death, &c. and
where they be become.

This is in effect the substance of
the commission, which your Lordship
may reade at large in the book of Sta-
tutes, this commission being enacted
in the tenth year of the Kings raigne.
Now if such a commission were in
these dayes granted to the faithfull
men that have an interest in the sales,
gifts nor purchases, nor in the keep-
ing of the jewels at the Queens
death, nor in the obtaining grants
of the Kings best lands, I cannot say
what may be recovered, and justly re-
covered; and what say your Lord-
ship, was not this a noble act for the
King, if it had been followed to ef-
fect?

COUNS. I cannot tell whether it
were or no, for it gave power to the

Commissioners to examine all the grants.

J u s T. Why my Lord, doth the King grant any thing, that shames at the examination? are not the Kings grants on record?

C o u n s. But by your leave, it is some dishonour to a King, to have his judgement called in question.

J u s T. That is true my Lord, but in this, or whensoever the like shall be granted in the future, the Kings judgement is not examined, but their knavery that abused the King. Nay by your favour, the contrary is true, that when a King will suffer himself to be eaten up by a company of petty fellows, by himself raised, therein both his judgement and courage is disputed. And if your Lordship will disdain it at your own servants hands, much more ought the great heart of a King to disdain it. And surely my Lord, it is a greater treason (though it undercreep the law) to tear from the Crown the ornaments thereof: And it is an infallible maxime, that he that loves not his Majesties estate, loves not his person.

C o u n s. How came it then, that the act was not executed?

J u s T.

I u s T. Because these , against whom it was granted , perswaded the King to the contrary : as the Duke of *Ireland*, *Suffolk*, the cheif Iustice *Tresilian*, and others ; yea, that which was lawfully done by the King , and the great Councell of the Kingdome, was (by the mastery which *Ireland*, *Suffolk*, and *Tresilian* had over the Kings affections) broken and disavowed. Those that devised to relieve the King, not by any private invention on, but by generall Councell, were by a private and partiall assembly adjudged traitors, and the most honest Iudges of the land, enforced to subscribe to that judgement. In so much that the Iudge *Belknap* plainly told the Duke of *Ireland* , and the Earl of *Suffolk*, when he was constrained to set his hand, plainly told these Lords, that he wanted but a rope, that he might therewith receive a reward for his subscription. And in this Councell of *Nottingham* was hatched the ruine of those which governed the King, of the Iudges by them constrained, of the Lords that loved the King, and sought a reformation, and of the King himself ; for though the King found by all the Shrieves of

the shires, that the people would not fight against the Lords, whom they thought to be most faithfull unto the King, when the Citizens of *London* made the same answer, being at that time able to arme 50000. men, and told the Major that they would never fight against the Kings friends, and defenders of the Realme; when the Lord *Ralph Bassett*, who was near the King, told the King boldly that he would not adventure to have his head broken for the Duke of *Ireland*s pleasure, when the Lord of *London* told the Earle of *Suffolk* in the Kings presence, that he was not worthy to live, &c. yet would the King in the defence of the destroyers of his estate, lay ambushes to entrap the Lords, when they came upon his faith, yea when all was pacified, and that the King by his Proclamation had clear'd the Lords, and promised to produce *Ireland*, *Suffolk*, and the Archbishop of *Yorke*, *Trisilian* and *Bramber*, to answer at the next Parliament, these men confest, that they durst not appear; and when *Suffolk* fled to *Callice*, and the Duke of *Ireland* to *Chester*, the King caused an army to be leavied in *Lancashire*, for the safe conduct of
the

the Duke of *Ireland* to his presence, when as the Duke being encountered by the Lords, ranne like a coward from his company, and fled into *Holland*. After this was holden a Parliament, which was called that wrought wonders. In the Eleventh year of this King, wherein the forenamed Lords, the Duke of *Ireland* and the rest, were condemned and confiscate, the Chief Justice hanged with many others, the rest of the Iudges condemned, and banisht and a 10. and a 15. given to the King.

COUNS. But good Sir: the King was first besieged in the Tower of *London*, and the Lords came to the Parliament, and no man durst contradict them.

IUST. Certainly in raising an army, they committed treason, and though it appear, that they loved the King (for they did him no harm, having him in their power) yet our law doth construe all leavying of war without the Kings commission, and all force raised to be intended for the death and destruction of the King, not attending the sequell. And it is so judged upon good reason, for every unlawfull and ill action is supposed

to be accompanied with an ill intent. And besides those Lords used too great cruelty, in procuring the sentence of death against divers of the Kings servants, who were bound to follow and obey their Master and Sovereigne Lord, in that he commanded.

COUNS. It is true, and they were also greatly to blame to cause then so many seconds to be put to death, seeing the principalls, *Ireland, Suffolk, and York* had escaped them. And what reason had they to seek to enform the State by strong hand, was not the Kings estate as dear to himself as to them? He that maketh a King know his errour mannerly and privately, and gives him the best advice, he is discharged before God and his own conscience. The Lords might have retired themselves, when they saw they could not prevail, and have left the King to his own wayes, who had more to lose then they had.

JUST. My Lord, the taking of Armes cannot be excused in respect of the law, but this might be said for the Lords, that the King being under yeares, and being wholly governed by
their

their enemies, and the enemies of the kingdome, and because by those evil mens perswasions, it was advised, how the Lords should have been murdered at a feast in *London*, they were excusable during the kings minority to stand upon their guard against their particular enemies. But we will passe over & go on with our parliaments that followed, whereof that of Cambridge in the Kings 12th year was the next, therein the King had given him a 10th and a 15th after which being 20. yeares of age recharged (saith *H. Knighton*) his Treasurer, his Chancellour, the Iustices of either bench, the Clerk of the privy seal and others, and took the government into his own hands. He also took the Admirals place from the Earle of Arundell, and in his room he placed the Earle of Huntingdon in the year following, which was the 13th year of the K. In the Parliament at Westminster there was given to the King upon every sack of Wooll 14 s. and 6^d in the pound upon other Merchandise.

C o u n s. But by your leave, the King was restrained this parliament, that he might not dispose of, but a third part of the money gathered.

Iust. No my Lord, by your favour. But true it is that part of this mony was by the Kings consent assigned towards the wars, but yet left in the Lord Treasurers hands, and my Lord it would be a great ease, and a great saving to his Majesty, our Lord and Master, if it pleased him to make his assignations upon some part of his revenewes, by which he might have 1000l. upon every 10000l. and save himself a great deale of clamour. For seeing of necessity the Navy must be maintained, and that those poor men as well Carpenters as ship-keepers must be paid, it were better for his Majesty to give an assignation to the Treasurer of his Navy for the receiving of so much as is called ordinary, then to discontent those poor men, who being made desperate beggars, may perchance be corrupted by them that lye in wait to destroy the Kings estate. And if his Majesty did the like in all other payments, especially where the necessity of such as are to receive, cannot possible give day, his Majesty might then in a little rowle behold his receipts and expences, he might quiet his heart when all necessities were provided for, and then

then dispose the rest at his pleasure. And my good Lord, how excellently and easily might this have been done, if the 40000l. had been raised as aforesaid upon the Kings lands, and wards I say that his Majesties House, his Navy, his guardes, his pensioners, his munition, his Ambassadors, and all else of ordinary charge might have been defrayed, and a great summe left for his Majesties casuall expences and rewards, I will not say they were not in love with the Kings estate, but I say they were unfortunately borne for the King that cost it.

COUNS. Well Sir, I would it had been otherwise, But for the assignments, there are among us that will not willingly indure it. Charity begins with it self, shall we hinder our selves of 30000l. *per annum* to save the King 20? No Sir, what will become of our New years gifts, our presents and gratuities? We can now say to those that have warrants for money, that there is not a penny in the Exchequer, but the King gives it away unto the Scots faster then it comes in.

IUST. My Lord you say well, at least you say the truth, that such are

Some of our answers, and hence comes that generall murmure to all men that have money to receive, I say that there is not a penny given to that nation; be it for service or otherwise but is spread over all the kingdome: yea they gather notes, and take copies of all the privy seals and warrants that his Majesty hath given for the money for the Scots, that they may shew them in Parliament. But of his Majesties gifts to the English, there is no bruit though they may be tenne times as much as the Scots. And yet my good Lord, howsoever they be thus answered that to them that sue for money out of the Exchequer, it is due to them for 10. or 12. or 20. in the hundred, abated according to their qualities that sue, they are alwaies furnished. For conclusion, if it would please God to put into the Kings heart to make their assignments, it would save him many a pound, and gain him many a prayer, and a great deal of love, for it grieveth every honest mans heart to see the abundance which even the petty officers of the Exchequer, and others gather both from the King and subject, and to see a world of poore men
runne

runne after the King for their ordinary wages.

COUNS. Well, well, did you never hear this old tale, that when there was a great contention about the weather, the Seamen complaining of contrary windes, when those of the high Countreyes desired rain, and those of the valleys sunshining dayes, *Jupiter* sent them word by *Mercury*, then, when they had all done, the weather should be as it had been. And it shall ever fall out so with them that complain, the course of payments shall be as they have been, what care we what petty fellowes say? or what care we for your papers? have we not the Kings eares, who dares contest with us? though we cannot be revenged on such as you are for telling the truth; yet upon some other pretence, wee'le clap you up, and you shall sue to us ere you get out. Nay wee'le make you confesse that you were deceived in your projects, and eat your own words: learn this of me Sir, that as a little good fortune is better then a great deal of virtue: so the least authority hath advantage over the greatest wit, was he not the wisest man that said *the battel*

was not the strongest, nor yet bread for the wise, nor riches to men of understanding. nor favour to men of knowledge: but what time and chance came to them all.

I u s t. It is well for your Lordship that it is so. But Qu. Elizabeth would set the reason of a mean man, before the authority of the greatest Councillor she had, and by her patience therein she raised upon the usuall and ordinary customes of London without any new imposition above 50000l. a year, for though the Treasurer Burleigh, and the Earle of Leicester and Secretary Walsingham, all three pensioners to Customer Smith, did set themselves against a poor waiter of the Custome-house called Carwarden, and commanded the groomes of the privy Chamber not to give him access, yet the Queen sent for him, and gave him countenance against them all. It would not serve the turn, my Lord, with her; when your Lordships would tell her, that the disgracing her great officers by hearing the complaints of busie heads, was a dishonour to her self, but she had alwayes this answer, That if any men complain unjustly against a Magistrate, it were reason he should be severely punished, if just-

ly, *shee was Queen of the small*, as well as of the great, and would hear their complaints. For my good Lord, a Prince that suffereth himself to be besieged, forsakerh one of the greatest regalities belonging to a Monarchie, to wit the last appeal, or as the French call it, *le dernier resort*.

COUNS. Well Sir, this from the matter I pray you go on.

IUST. Then my Lord, in the Kings 15. year he had a tenth and a fifteen graunted in Parliament of London. And that same year there was a great Councell called at Stamford, to which diverse men were sent for, of diverse counties besides the Nobilitie, of which the King took advice whether he should cortinue the war, or make a fmall end with the French.

COUNS. What needed the King to take the advice of any but of his own Councell in matter of peace or warre.

IUST. Yea my Lord, for it is said in the Proverbs, *where is many counsellors, there is health*. And if the King had made the watre by a generall consent, the Kingdome in generall were bound to maintain the warre,
and

and they could not then say when the King required aid, that he undertook a needlesse warre.

COUNS. You say well, but I pray you go on.

JUST. After the subsidy in the 15. year, the King desired to borrow 10000l. of the Londoners, which they refused to lend.

COUNS. And was not the King greatly troubled therewith.

JUST. Yea, but the King troubled the Londoners soon after, for the King took the advantage of a ryot made upon the Bishop of Salisbury his men, sent for the Major, and other the ablest citizens, committed the Major to prison in the Castle of Windsor, and others to other castles, and made a Lord Warden of this citie, till in the end what with 10000l. ready money, and other rich presents, instead of lending 10000l. it cost them 20000l. Between the fifteenth yeare and twentieth yeare, he had two aides given him in the Parliaments of Winchester and Westminster: and this later was given to furnish the Kings journey into Ireland, to establish that estate which was greatly shaken since the death of
the

the Kings Grandfather, who received thence yearly 30000*l*. and during the Kings stay in Ireland he had a 10th and 5th granted.

C O U N S. And good reason, for the King had in his army 4000. horse and 30000. foot.

J u s T. That by your favour, was the Kings safety: for great armies do rather devour themselves then destroy enemies. Such an army, (whereof the fourth part would have conquered all Ireland) was in respect of Ireland such an army as Xerxes led into Greece. In this twentieth yeare, wherein he had a tenth of the Clergy, was the great conspiracy of the Kings uncle the Duke of Gloucester, and of Moubrey, Arundell, Nottingham, and Warwick, the Archbishop of Canterbury and the Abbot of Westminster, and others, who in the one and twentieth yeare of the King were all redeemed by Parliament, and what thinks your Lordship, was not this assemblie of the 3. states for the kings estate, wherein he so prevailed, that he not onely overthrew those popular Lords, but besides (the English Chronicle saith) the king so wrought and brought things about, that he obtained
the

the power of both houses to be granted to certain persons, to 15. Noblemen and Gentlemen, or to seven of them.

COUNS. Sir, whether the King wrought well or ill I cannot judge, but our Chronicles say, that many things were done in this Parliament, to the displeasure of no small number of people, to wit, for that diverse rightfull heires were disinherited of their lands and livings, with which wrongfull doings the people were much offended, so that the King with those that were about him, and chief in Counsell, came into great infamy & slander.

JUS T. My good Lord, if your Lordship will pardon mee, I am of opinion that those Parliaments wherein the Kings of this land have satisfied the people, as they have been ever prosperous, so where the King hath restrained the house, the contrary hath happened, for the Kings achievements in the Parliament, were the ready preparations to his ruine.

CO V. You mean by the generall discontentment that followed, and because the King did not proceed legally with Gloucester and others. Why
Sir,

Sir, this was not the first time that the Kings of England have done things without the Counsell of the land; yea, contrary to the law.

J u s r. It is true my Lord in some particulars, as even at this time the Duke of Gloucester was made away at Callice by strong hand, without any lawfull triall: for he was a man so beloved of the people and so allied, having the Dukes of Lancaster, and York his bretheren, the Duke of Aumarle, and the Duke of Hereford his Nephewes, the great Earles of Arundell and Warwicke, with diverse others of his part in the conspiracy, as the King durst not trie him according to the law: for at the triall of Arundell and Warwicke, the King was forced to entertaine a pretty army about him. And though the Duke was greatly lamented, yet it cannot be denied but that he was then a traitor to the King. And was it not so my Lord with the Duke of Guise: your Lordship doth remember the spurgald proverb, *that necessitie hath no law*: and my good Lord, it is the practice of doing wrong, and of generall wrong done, that brings danger, and not where Kings are prest in this or that

that particular, for there is great difference between naturall cruelty and accidentall. And therefore it was *Machiavels* advice, that *all that a King did in that kind, he shall do at once, and by his mercie afterwards make the world know that his cruelty was not affected.* And my Lord take this for a generall rule, that the immortall policy of a state cannot admit any law or privilege whatsoever, but in some particular or other, the same is necessarily broken, yea in an *Aristocratie* or popular estate, which vaunts so much of equality and common right. more outrage hath been committed then in any Christian Monarchy.

COUNS. But whence came this hatred between the Duke and the King his Nephew.

JUST. My Lord, the Dukes constraining the King, when he was young, stuck in the Kings hear, and now the Dukes proud speech to the King when he had rendred *Brest* formerly engaged to the Duke of Brittain, kindled again these coales that were not altogether extinguished, for he used these words: *Your grace ought to put your body in great pain to winne a strong hold or town by feats of armes, ere you*
take

take upon you to sell or deliver any town gotten by the manhood & strong hand & policy of your noble progenitors. Whereat, saith the story, the King changed his countenance, &c. and to say truth, it was a proud and masterly speech of the Duke; besides that inclusively he taxed him of sloath and cowardise, as if he had never put himself to the adventure of winning such a place: undutifull words of a subject do often take deeper roote then the memory of ill deeds do: the Duke of Biron found it when the King had him at advantage. Yea the late Earle of Essex told Queen Elizabeth that her conditions was as crooked as her carkasse; but it cost him his head, which his insurrection had not cost him, but for that speech, *who will say unto a King (saith Iob) thou art wicked.* Certainly it is the same thing to say unto a Lady, thou art crooked (and perchance more) as to say unto a King that he is wicked, and to say that he is a coward, or to use any other words of disgrace, it is one and the same error.

C O U N S. But what say you for Arundell, a brave and valiant man, who had
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the Kings pardon of his contempt during his minority.

I u s r. My good Lord, the Parliament which you say disputes the Kings prerogative, did quite contrary, and destroyed the Kings charter and pardon formerly given to Arundell. And my good Lord, do you remember, that at the Parliament that wrought wonders, when these Lords compounded that Parliament, as the King did this, they were so mercilesse towards all, that they thought their enemies, as the Earl of Arundell most intolently suffered the Qu. to kneel unto him three houres for the saving of one of her servants, and that scorne of his *manebat alto mente repositum*. And to say the truth, it is more barbarous & unpardonable then any act that ever he did to permit the wife of his Sovereign to kneel to him being the Kings vassel. For if he had saved the Lords servant freely at her first request, it is like enough that the Qu: would also have saved him, *Miseris succurrens paria obtinebis aliquando*: For your Lordship sees that the Earle of Warwicke who was as farre in the treason as any of the rest, was pardoned. It was also at this Parli-

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liament that the Duke of Hereford accused *Moubray* Duke of Norfolke, and that the Duke of Hereford Sonne to the Duke of Lancaster, was banished to the Kings confusion, as your Lordship well knows.

COUNS. I know it well, and God knows that the King had then a silly and weak Councell about him, that perswaded him to banish a Prince of the bloud, a most valiant man, and the best beloved of the people, in generall of any man living, especially considering that the King gave every day more then other offence to his subjects. For besides that he fined the inhabitants that assisted the Lords in his Minority (of the 17. shires) which offence he had long before pardoned, his blank Charters, and letting the Realme to farme to mean persons, by whom he was wholly advised, increased the peoples hatred toward the present government.

IUST. You say well my L. Princes of an ill destiny do alwayes follow the worst counsell, or at least imbrace the best after opportunity is lost, *qui consilia non ex suo corde sed alienis viribus colligunt, non animo sed auribus cogitant.* And this was not the least grief of the subject

subject in generall, that those men had the greatest part of the spoil of the commonwealth, which neither by virtue, valour or counsell could adde any thing unto it - *Nihil est sordidius, nihil crudelius* (saith *Anto : Pius*) *quam si Kemp. ii arroant, qui nihil in eam suo labore conferunt.*

COUNS. Indeed the letting to farm the Realm was very grievous to the subject.

JUS T. Will your Lorthip pardon me if I tell you that the letting to farm of his Majesties Customes (the greatest revenue of the Realm) is not very pleasing.

COUNS. And why I pray you, doth not the King thereby raise his profits every third year, & one farmer outbids another to the Kings advantage.

JUS T. It is true my Lord, but it grieves the subject to pay custome to the subject, for what mighty men are those Farmers become, and if those Farmers get many thousands every year, as the world knows they do, why should they not now (being men of infinite wealth) declare unto the King upon oath, what they have gained, and henceforth become the Kings collectours of his Custome, did not
Queen

Queen *Elizabeth* who was reputed both a wise and just *Princess*, after she had brought *customer Smith* from 14000*l.* a year to 42000*l.* a year, made him lay down a recompence for that which he had gotten? and if these Farmers do give no recompence, let them yet present the King with the truth of their receivings and profits. But my Lord for conclusion, after *Bullingbrook* arriving in *England* with a small troop: Notwithstanding the King at his Landing out of *Ireland*, had a sufficient and willing army: yet he wanting courage to defend his right gave leave to all his Souldiers to depart, and put himself into his hands that cast him into his grave.

COUNS. Yet you see he was depos'd by Parliament.

JUST. Aswell may your Lordship say he was knock't in the head by Parliament, for your Lordship knows that if King *Richard* had ever escaped out of their fingers that deposed him, the next Parliament would have made all the deposers traitours and Rebels, and that justly. In which Parliament, or rather unlawfull assembly, there appeared but one honest man, to wit, the B. of *Carlisle*, who scorned

scorned his life, and estate, in respect of right and his allegiance, and defended the right of his Sovereigne Lord against the Kings elect and his partakers.

COUNS. Well I pray goe on with the Parliaments held in the time of his successor *Henry* the fourth.

IUST. This King had in his third year a subsidy, and in his fift a tenth of the Clergy without a Parliaments; In his sixt year he had so great a subsidie, as the House required there might be no record thereof left to posterity, for the House gave him 10s. of every Knights Fee, and of every 20l. land, 20d. and 12d. the pound of goods.

COUNS. Yea in the end of this year, the Parliament prest the King to annex unto the Crown all temporall possessions belonging to Churchmen within the land, which at that time, was the third foot of all *England*. But the Bishops made friends, and in the end saved their estates.

IUST. By this you see, my Lord that *Cromwell* was not the first that thought on such a business. And if King *Henry* the 8. had reserved the Abbeyes, and other Church lands, which he had
given

given at that time, the revenue of the Crown of *England* had exceeded the revenue of the Crown of *Spain*, with both the *Indies*, whereas used as it was (a little enriched the Crown) served but to make a number of pettifoggers, and others gentlemen.

C O U N S. But what had the King instead of this great revenue.

I u s r. He had a 13th of the Commons and tenth, and a half of the Clergy, and withall, all pensions granted by King *Edward*, and King *Richard* were made void. It was also moved that all Crown lands formerly given (at least given by King *Edw.* and King *Richard*) should be taken back.

C O U N S. What think you of that, Sir? would it not have been a dishonour to the King? and would not his Successors have done the like to those that the King had advanced?

I u s r. I cannot answer your Lordship, but by distinguishing, for where the Kings had given land for services, and had not been over-reached in his gifts, there it had been a dishonour to the King, to have made void the graunts of his predecessors, or his graunts, but all those graunts of the
 H Kings,

Kings, wherein they were deceived, the very custome and policy of *England* makes them void at this day.

COUNS. How mean you that, for his Majestie hath given a great deal of Land among us since he came into *England*, and would it stand with the K. honour to take it from us again.

IUST. Yea my Lord, very well with the Kings honour, if your Lordship, or any Lord else, have under the name of 100l. land a year, gotten 500l. land, and so after that rate.

COUNS. I will never believe that his Majesty will ever doe any such thing.

IUST. And I believe as your Lordship doth, but we spake e're-while of those that dissuaded the King from calling a Parliament: And your Lordship asked me the reason, why any man should dissuade it, or fear it, to which, this place gives me an opportunity to make your Lordship answer, for though his Majesty will of himself never question those grants, yet when the Commons shall make humble petition to the King in Parliament, that it will please his Majesty to assist them in his relief, with that which ought to be his own, which, if it will please his Majesty to yield unto,
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the house will most willingly furnish & supply the rest; with what grace can this Majesty deny that honest suit of theirs; the like having been done in many Kings times before? This proceeding my good Lord, may perchance prove all your phrases of the Kings honour, false *English*.

COUN But this cannot concern many, and for my self, I am sure it concerns me little.

JUS T. It is true my Lord, & there are not many that dissuade his Majesty from a Parliament.

CO. But they are great ones, a few of which will serve turn well enough.

IUS T. But my Lord, be they never so great (as great as Gyants) yet if they dissuade the King from his ready and assured way of his subsistence, they must devise how the K. may be elsewhere supplied, for they otherwise runne into a dangerous fortune.

COUNS. Hold you contented Sir, the King needs no great dissuasion.

IUS T. My Lord, learne of me, that there is none of you all, that can pierce the King. It is an essentiall property of a man truly wise, not to open all the boxes of his bosome, even to those that are near't it & dea'r't unto

him, for when a man is discovered to the very bottome, he is after the lesse esteemed. I dare undertake, that when your Lordship hath served the King twice twelve years more, you will finde, that his Majesty hath reserved somewhat beyond all your capacities. His Majesty hath great reason to put off the Parliament, at his last refuge, and in the mean time, to make tryall of all your loves to serve him, for his Majesty hath had good experience, how well you can serve your selves: But when the King finds, that the building of your own fortunes and factions, hath been the diligent studies, and the service of his Majesty, but the exercises of your pleasures: He may then perchance cast himself upon the generall love of his people: of which (I trust) he shall never be deceived, and leave as many of your Lordships as have pilfered from the Crown, to their examination.

COUNS. Well Sir, I take no great pleasure in this dispute, go on I pray.

IUST. In that Kings 15th year, he had also a subsidy, which is got by holding the house together from Easter,

ster to Christmas, and would not suffer them to depart. He had also a subsidy in his ninth year. In his eleventh year the commons did again presse the King to take all the temporalities of the Church men into his hands, which they proved sufficient to maintain 150. Earles, 1500. Knights, and 6400. Esquires, with a hundred hospitals, but not prevailing, they gave the King a subsidy.

As for the notorious Prince, *Henry the fifth*, I find, that he had given him in his second year 300000. markes, and after that two other subsidies, one in his fifth year, another in his ninth, without any disputes.

In the time of his successor *Henry the sixth*, there were not many subsidies. In his third year he had a subsidy of a Tunnage and poundage. And here (saith *John Stow*) began those payments, which we call customes; because the payment was continued, whereas before that time it was granted but for a year, two or three, according to the Kings occasions. He had also an ayde & gathering of money in his fourth year, and the like in his tenth year, and in his thirteenth year a 15th. He had also a fifteenth for

the conveying of the Queen out of France into England. In the twenty eight year of that King was the act of Resumption of all honours, townes, castles, Seigneries, villages, Manors, lands, tenements, rents, reversions, fees &c. But because the wages of the Kings servants, were by the strictness of the act also restrained, this act of Resumption was expounded in the Parliament at Reading the 31st year of the Kings reigne.

COUNS. I perceive that those acts of Resumption were ordinary in former times; for King Stephen resumed the lands, which in former times he had given to make friends during the Civill warrs. And Henry the second resumed all (without exception) which King Stephen had not resumed; for although King Stephen took back a great deal, yet he suffered his trustiest servants to enjoy his gift.

IUST. Yes my Lord, and in after times also; for this was not the last, nor shall be the last, I hope. And judge you my Lord, whether the Parliaments doe not only serve the King whatsoever is said to the contrary; for as all King Henry the 6. gifts & graunts were

out were made void by the Duke of York
 twenty when he was in possession of the
 act of King done by Parliament. So in the
 ownes time of K. H. when K. Edw. was beaten
 out again, the Parliament of West-
 minster made all his acts voyd, made
 of them and all his followers traytors, and
 gave the King many of their heads and
 lands. The Parliaments of England
 do alwaies serve the King in posses-
 sion. It served Rich. the second to
 condemne the popular Lords. It
 served Bullinbrooke to depose Rich.
 When Edw. the 4. had the Scepter. It
 made them all beggars that had fol-
 lowed H. the 6. And it did the like
 for H. when Edw. was driven out. The
 Parliaments are, as the friendship of
 this world is, which alwayes fol-
 loweth prosperity. For King Edw.
 the 4. after that he was possessed of
 the Crowne, had, in his 13. year a
 subsidy freely given him: and in the
 year following he took a benevo-
 lence through England, which arbi-
 trary taking from the people, ser-
 ved the ambitious traytor the Duke
 of Bucks. After the Kings death
 was a plausible argument to per-
 swade the multitude, that they
 should not permit (saith Sir
 E. 5. Tho-

Thomas Moore) his line to raigne any longer upon them.

COUNS. Well Sir, what say you to the Parliament of *Richard* the third in his time?

JUST. I find but one, and therein he made diverse good Laws. For King *Henry* the seventh in the beginning of his third year, he had by Parliament an ayde granted unto him, towards the relief of the Duke of *Brittain*, then assailed by the *French* King. And although the King did not enter into the warre, but by the advice of the three estates, who did willingly contribute: Yet those Northen men which loved *Richard* the third, raised rebellion under colour of the money impos'd, and murthered the Earle of *Northumberland* whom the King employed in that Collection. By which your Lordship sees, that it hath not been for taxes and impositions alone, that the ill disposed have taken Armes; but even for those payments which have been appointed by Parliament.

COUNS. And what became of these Rebels?

JUST. They were fairely hang'd, & the money levied notwithstanding.

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In the Kings first year he gathered a marvailous great masse of mony, by a benevolence, taking pattern by this kind of levie from *Edm. 4th*. But the King caused it first to be moved in Parliament, where it was allowed, because the poorer sort were therein spared. Yet it is true, that the King used some art, for in his Letters he declared that he would measure every mans affections by his gifts. In the thirteenth year he had also a subsidy. whereupon the Cornish men took Armes, as the Northen men of the Bishoprick had done in the third year of the King.

C O U N S. It is without Example, that ever the people have rebelled for any thing granted by Parliament, save in this Kings dayes.

J u s T. Your Lordship must consider, that he was not over much beloved, for he took many advantages upon the people and the Nobility both.

C O U N S. And I pray you what say they now of the new impositions lately laid by the Kings Majesty? do they say that they are justly or unjustly laid?

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J u s T.

Jus T. To impose upon all things brought into the Kindome is very ancient : which imposing when it hath been continued a certain time, is then called Customes, because the subjects are accustomed to pay it, and yet the great tax upon wine is still called Impost, because it was imposed after the ordinary rate of payment, had lasted many years. But we do now a dayes understand those things to be impositions, which are raised by the command of Princes, without the advice of the Common wealth, though (as I take it) much of that which is now called custome, was at the first imposed by Prerogative royall. Now whether it be time or consent that makes them just, I cannot define, were they just because new, and not justified yet by time, or unjust because they want a generall consent. Yet is this rule of *Aristotle* verified in respect of his Majestie : *Minus timent homines injustum pati à principe quem cultorem Dei putant.* Yea my Lord, they are also the more willingly borne, because all the world knowes they are no new Invention of the Kings. And if these that advised his Majesty to impose them,

them, had raised his lands (as it was offered them) to 20000*l.* more then it was, and his wards to as much as afore-said, they had done him farre more acceptable service. But they had their own ends in refusing the one, and accepting the other. If the land had been raised, they could not have selected the best of it for themselves: If the impositions had not been laid, some of them could not have their silks: others pieces in farme, which indeed grieved the subject ten times more then that which his Majestie enjoyeth. But certainly they made a great advantage that were the advisers, for if any tumult had followed, his Majesties ready way had been to have delivered them over to the people.

COUNS. But think you that the King would have delivered them, if any troubles had followed?

JUST. I know not my Lord, it was *Machiavels* counsell to *Cesar Borgia* to doe it, and King *H. the 8.* delivered up *Empson* and *Dudley*: yea the same King, when the great Cardinall *Woolsey*, who governed the
King

King and all his Estate, had (by requiring the sixt part of every mans goods for the King) raised a rebellion, the King I say disavowed him absolutely; that had not the Dukes of *Norfolk* and *Suffolk* appeased the people, the Cardinall had sung no more Masse; for these are the words of our Story: The King then came to *Westminster* to the Cardinals Palace, and assembled there a great Councell, in which he protested, that *his mind was never to aske any thing of his commons which might sound to the breach of his Lawes.* Wherefore he then willed them to know by whose meanes they were so strictly given forth. Now my Lord, how the Cardinall would have shifed himself, by saying, *I had the opinion of the Judges*, had not the rebellion been appeased, I greatly doubt.

C O U N S. But good Sir, you blanch my question, and answer me by examples. I aske you whether or no in any such tumult, the people pretending against any one or two great Officers, the King should deliver them, or send them?

I u s T. My good Lord, the people have not stayed for the Kings delivery.
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neither in *England*, nor in *France*; Your Lordship knows how the Chancellours, Treasurer, and Chief Iustice, with many others at severall times have been used by the Rebels: And the Marshals, Constables, and Treasurers in *France*, have been cut in pieces in *Charles* the sixth his time. Now to your Lordships question, I say that where any man shall give a King perilous advice, as may either cause a Rebellion, or draw the peoples love from the King, I say, that a King shall be advised to banish him: But if the King do absolutely command his servant to do any thing displeasing to the Common-wealth, and to his own perill, there is the King bound in honour to defend him. But my good Lord for conclusion, there is no man in *England* that will lay any invention either grievous or against law upon the Kings Majesty: and therefore your Lordships must share it amongst you.

COUNS. For my part, I had no hand in it, (I think) *Ingram* was he that propounded it to the Treasurer.

JUST. Alas, my good Lord, every poor waiter in the Custome-house, or every promooter might have done it, there is no invention in these things.

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To lay impositions, and sell the Kings lands, are poor and common devices. It is true that *Ingram* and his fellows are odious men, and therefore his Majesty pleas'd the people greatly to put him from the Cofferthip. It is better for a Prince to use such a kind of men, then to countenance them; hangmen are necessary in a common wealth; yet in the Netherlands, none but a hangmans sonne will marry a hangmans daughter. Now my Lord, the last gathering which *Henry* the seventh made, was in the twentieth year, wherein he had another benevolence both of the Clergy and Laity, a part of which taken of the poorer sort, he ordained by his testament that it should be restored. And for King *Henry* the eight, although he was left in a most plentiful estate, yet he wonderfully prest his people with great payments; for in the beginning of his time it was infinite that he spent in Masking and Tiltting, Banqueting, and other vanities, before he was entred into the most consuming expence of the most fond and fruitlesse warre that ever King undertook. In his fourth yeare he had one of the greatest subsidies that ever
was

was granted ; for besides two fifteens and two dismes , he used *Dauids Law* of Capitation or head money, and had of every Duke ten marks , of every Earl five pounds , of every Lord four pounds , of every Knight four marks and every man rated at 8*l.* in goods, 4. marks, and so after the rate : yea every man that was valued but at 4*ol* paid 12*d* , and every man and woman above 15. years. 4*d*. He had also in his sixt year divers subsidies granted him. In his fourteenth there was a tenth demanded of every mans goods, but it was moderated. In the Parliament following , the Clergie gave the King the half of their spirituall livings for one yeare , and of the Laity there was demanded 80000*ol* , which could not be leavied in England , but it was a marvellous great gift that the King had given him at that time. In the Kings seventeenth yeare was the Rebellion before spoken of , wherein the King disavowed the Cardinall : In his seventeenth yeare he had a tenth and fifteenth given by Parliament , which were before that time paid to the Pope. And before that also, the moneys that the King borrowed

in his fifteenth yeare were forgiven him by Parliament in his seventeenth yeare. In his 35. yeare a subsidy was granted of 4d. the pound of every man worth in goods from 20s. to 5l, from 5l. to 10l. and upwards of every pound 2s. And all strangers, denizens and others doubled this summe, strangers not being inhabitants above 16. years 4d. a head. All that had Lands Fees, and Annuities, from 20. to 5. and so double as they did for goods: And the Clergy gave 6d. the pound. In the thirty seventh yeare, a Benevolence was taken not voluntary, but rated by Commissioners, which because one of the Aldermen refused to pay, he was sent for a souldier into Scotland. He had also another great subsidy of six shillings the pound of the Clergy, and two shillings eight pence of the goods of the Laity, and four shillings the pound upon Lands.

In the second yeare of *Edward the sixth*, the Parliament gave the King an aid of twelve pence the pound of goods of his Naturall subjects, and two shillings the pound of strangers, and this to continue for three yeares, and by the statute of the second and third of *Edward the sixth*, it may appear the

the same Parliament did also give a second aid, as followeth (to wit) of every Ewe kept in severall pastures, 3d: of every weather kept as aforesaid 2d: of every sheep kept in the Common, 1d, ob. The House gave the King also 8d the pound of every woollen cloath made for the sale throughout *England* for three years. In the third and fourth of the King, by reason of the troublesome gathering of the pole money upon sheep, and the tax upon cloath, this act of subsidy was repeal'd, and other relief given the King, and in the seventh yeare he had a subsidy and two fifteens.

In the first yeare of Queen *Mary*, tunnage and pondage were granted: In the second yeare a subsidy was given to King *Philip*, and to the Queen, she had also a third subsidy in *Annis 4th & 5.*

Eliz. Reg. Now my Lord, for the Parliaments of the late Queens time, in which there was nothing new, neither head money, nor sheep money, nor escuage, nor any of these kinds of payments was required, but onely the ordinary subsidies, and those as easily graunted as demanded, I shall not need to trouble your Lordship with a-
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ny of them, neither can I in form your Lordship of all the passages and acts which have passed, for they are not extant, nor printed.

C O U N S. No, it were but time lost to speak of the latter, and by those that are already remembred, we may judge of the rest, for those of the greatest importance are publick. But I pray you deal freely with me, what you think would be done for his Majesty, If he should call a Parliament at this time, or what would be required at his Majesties hands?

J U S T. The first thing that would be required, would be the same that was requisied by the Commons in the thirteenth yeare of Hen. the eight (to wit) that if any man of the commons house should speak more largely, then of duty he ought to do, all such offences to be pardoned, and that to be of record.

C O U N S. So might every Companion speak of the King what they list.

J U S T. No my Lord, the reverence which a Vassall oweth to his Sovereigne, is alwaies intended for every speech, howsoever it must import the good of the King, and his estate, and so long it may be easily pardoned, otherwise

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therwise not; for in *Queen Elizabeths* time, who gave freedom of speech in all Parliaments, when *Wentworth* made those motions, that were but supposed dangerous to the Queens estate, he was imprisoned in the Tower, notwithstanding the priviledge of the house, and there died.

COUNS. What say you to the *Sicilian vespers* remembred in the last Parliament?

IUST. I say, he repented him heartily that used that speech, and indeed besides that, it was seditious. this example held not: The *French* in *Sicily* usurped that Kingdome, they neither kept law nor faith; they took away the inheritance of the Inhabitants, they took from them their wives, and ravished their daughters, committing all other insolencies that could be imagined. The Kings Majesty is the Naturall Lord of *England*, his Vassals of *Scotland* obey the English laws, if they break them, they are punished without respect. Yea his Majesty put one of his Barons to a shamefull death, for being consenting onely to the death of a common Fencer: And which of these ever did or durst commit any outrage in *England*,
but

but to say the truth, the opinion of Packing the last, was the cause of the contention & disorder that happened.

COUNS. Why sir? do you not think it best to compound a Parliament of the Kings servants and others that shall in all obey the Kings desires?

JUS T. Certainly no, for it hath never succeeded well, neither on the kings part, nor on the subjects, as by the Parliament before remembred your Lordship may gather, for from such a composition do arise all jealousies, and all contentions. It was practized in elder times, to the great trouble of the kingdome, and to the losse and ruine of many. It was of later time used by King *Henry* the eight, but every way to his disadvantage. When the King leaves himself to his people, they assure themselves that they are trusted and beloved of their kings, and there was never any assembly so barbarous, as not to answer the love and trust of their King *Henry* the sixt when his estate was in effect utterly overthrown, and utterly impoverished at the humble request of his Treasurer made the same known to the House: Or otherwise, using the Treasurers own words. He humbly desired

fired the King to take his staffe, that he might save his wardship.

COUNS. But you know, they will presently be in hand with those impositions, which the King hath laid by his own Royall prerogative.

JUR. Perchance not my Lord; but rather with those impositions that have been by some of your Lordships laid upon the King which did not some of your Lordships fear more then you do the impositions laid upon the Subjects, you would never dissuade his Majesty from a parliament: For no man doubted, but that his Majesty was advised to lay those impositions by his Councell, and for particular things on which they were laid, the advice came from petty fellows (though now great ones) belonging to the Custome-House. Now my Lord, what prejudice hath his Majesty (his Revenue being kept up) if the impositions that were laid by the generall Councell of the Kingdome, which takes off all grudging and complaint.

COUNS. Yea Sir, but that which is done by the King, with the advices of his private or privy Councell, is done by the Kings absolute power.

JUR. And by whose power it is done

done in Parliament, but by the Kings absolute power? Mistake it not my Lord: The three Estates do but advise, as the privy Councell doth, which advice if the King embrace, it becomes the Kings own Act in the one, and the Kings Law in the other; for without the Kings acceptation, both the publick and private advices be but as empty Egg shells: and what doth his Majesty lose if some of those things, which concerns the poorer sort to be made free again, and the Revenue kept up upon that which is superfluous? Is it a losse to the King to be beloved of the Commons? If it be revenue which the Kings seeks, is it not better to take it of those that laugh, then those that cry? Yea if all be content to pay upon moderation & change of the Species: Is it not more honourable and more safe for the King, that the Subject pay by perswasion, then to have them constrained? If they be contented to whip themselves for the King, were it not better to give them the Rod into their hands, then to commit them to the Executioner? Certainly it is farre more happy for a Sovereigne Prince, that a Subject open his purse willingly, then that the same be opened by violence.

Be-

Besides, that when impositions are laid by Parliament, they are gathered by the authority of the Law, which (as aforesaid) rejecteth all complaints, and stoppeth every mutinous mouth: It shall ever be my prayer that the King embrace the Council of Honour and safety, and let other Princes imbrace that of force.

COUNS. But good Sir, it is his Prerogative which the King stands upon, & it is the Prerogative of the Kings, that the Parliaments do all diminish.

JUST. If your Lordship would pardon me, I would say then, that your Lordships objection against Parliaments is ridiculous. In former Parliaments three things have been supposed dishonour to the King. The first, that the Subjects have conditioned with the King, when the King hath needed them, to have the great Charter confirmed. The second that the Estates have made Treasurers for the necessary and profitable disbursing of those sums by them given, to the end, that the Kings, to whom they were given, should expend them for their own defence, & so: the defence of the Common-wealth. The third that these have prest the King to discharge some great officers of the Crown,

Crown, and to elect others. As touching the first my Lord, I would faine learn what disadvantage the Kings of this Land have had by confirming the great Charter, the breach of which have served onely men of your Lordships rank, to assist their own passions, and to punish and imprison at their own discretion the Kings poor Subjects, concerning their private hatred, with the colour of the Kings service. For the Kings Majestie takes no mans inheritance (as I have said before) nor any mans life, but by the Law of the Land, according to the Charter. Neither doth his Majesty imprison any man (matter of practice, which concerns the preservation of his estate excepted) but by the law of the land. And yet he useth his prerogative as all the Kings of *England* have ever used it. The supream reason causeth to practise many things without the advice of the law. As for insurrections and rebellions, it useth the marshall, and not the common law, without any breach of the Charter, the intent of the Charter considered truely. Neither hath any Subject made complaint, or been grieved, in that the Kings of this land, for their own safeties, and preservation
of

of their estates, have used their Prerogatives, the great Engine, on which there is written *ſoli Deo*. And my good Lord, was not *Buckingham* in *England*, and *Byron* in *France* condemned, their Peers uncalled? And withall, was not *Byron* utterly (contrary to the customs and priviledges of the *French*) denyed an advocate to assist his defence? for where lawes forecast cannot provide remedies for future dangers, Princes are forced to assist themselves by their *Prerogatives*. But that which hath been ever grievous, and the cause of many troubles, very dangerous, is, that your Lordships abusing the reasons of state, do punish and imprison the Kings Subjects at your pleasure. It is you my Lords, that when Subjects have sometimes need of the Kings prerogative, do then use the strength of the Law, and when they require the law, you afflict them with the prerogative, and tread the great Charter (which hath been confirmed by 16. Acts of Parliament) under your feet, as a torn parchment or waste paper?

COUNS. Good Sir, which of us do in this sort break the great Charter? perchance you mean, that we have advised the King to lay the new impositions.

JUST. No my Lord : there is nothing in the great Charter against impositions : and besides that, necessity doth perswade them. And if necessity do in somewhat excuse a private man *à fortiori*, it may then excuse a Prince. Again the Kings Majesty hath profit and increase of revenue by the impositions. But there are of your Lordships (contrary to the direct Letter of the Charter) that imprison the Kings Subjects and deny them the benefit of the Law, to the Kings disprofit. And what do you otherwise thereby (if the impositions be in any sort grievous) but *Reovare dolores* ? And withall digg out of the dust the long buried memory of the Subjects former intentions with their Kings.

COUNS. What mean you by that?

JUST. I will tell your Lordship when I dare, in the meantime it is enough for me, to put your Lordship in mind, that all the Estates in the World, in the offence of the people, have either had profit or necessity to perswade them to adventure it, of which, if neither be urgent, and yet the Subject exceedingly grieved, your Lordship may conjecture, that the House will be humble suitors for a redress. And if it be a Maxime in policy

to please the people, in all things indifferent, and never suffer them to be beaten, but for the Kings benefit (for there are no blows forgotten with the smart but these) then I say to make them Vassals to Vassal, is but to batter down those mastering buildings, erected by K. Henry the 7. & fortified by his Son, by which the people and Gentry of England were brought to depend upon the King alone. Yea my good Lord, our late dear Sovereign Q. Elizabeth, kept them up, & to their advantage, as well repaired as ever Prince did. Defend me, & spend me, saith the Irish Churl.

COUNS. Then you think that this violent breach of the Charter will be the cause of seeking the conformation of it in the next Parliament, which otherwise could never have bin moved.

JUST. I know not my good Lord, perchance not, for if the House press the King to grant unto them all that is theirs by the Law, they cannot (in Justice) refuse the King all that is his by the Law. And where will be the issue of such a contention? I dare not divine, but sure I am that it will tend to the prejudice both of the King and Subject.

COUNS. If they dispute not their own liberties, why should they then

dispute the Kings liberties, which we call his Prerogative.

J U S T. Among so many and so divers Spirits, no man can tell what may be pronounced, but howsoever, if the matter be not slightly handled on the Kings behalf, these disputes will soon dissolve, for the King hath so little need of his Prerogative, & so great advantage by the Laws, as the fear of impairing the one, to wit, the Prerogative, is so impossible, and the burthen of the other, to wit, the Law, so weighty, as but by a branch of the Kings Prerogative, namely, of his remission and pardon, the Subject is no way able to undergo it. This my Lord is no matter of flourish that I have said, but it is the truth and unanswerable.

• **C O N S.** But to execute the Laws very severely, would be very grievous.

J U S T. Why my Lord are the Laws grievous which our selves have required of our Kings? And are the Prerogatives also which our Kings have received to themselves also grievous? How can such a people then be well pleased? And if your Lordship confess that the Laws give too much, why does your Lordship urge the Prerogative that gives more? Nay I will be bold to say it, that except the Laws

were better observed, the Prerogative of a Religious Prince hath manifold less perils then the Letter of the Law hath. Now my Lord, for the second and third, to wit, for the appointing of Treasurers, & removing of Councellors, our Kings have evermore taught them to scorn that have prest either of these, and after the Parliament dissolved, took the mony of the Treasurers of the Parliament, and recalled and restored the Officers discharged, or else they have been contented, that some such persons should be removed at the request of the whole Kingdom, which they themselves out of their Noble natures, would not seem willing to remove.

COUNS. Well Sir, Would you notwithstanding all these arguments advise his Majesty to call a Parliament?

JUST. It belongs to your Lordships who enjoy the Kings favour, and are chosen for your able wisdom to advise the K. It were a strange boldness in a poor and private person, to advise Kings, attended with so understanding a Council. But be like your Lordships have conceived some other way, how mony may be gotten otherwise. If any trouble should happen,

your Lordship knows, that then there were nothing so dangerous for a K. as to be without mony: A Parliament cannot assemble in haste, but present dangers require hasty remedies. It will be no time then to discontent the subjects by using any unordinary ways.

COUNS. Well Sir, all this notwithstanding we dare not advise the King to call a Parliament, for if it should succeed ill, we that advise shou'd fall into the Kings disgrace. And if the King be driven into any extremity, we can say to the King that because we found it extremely displeasing to his Majesty to heat of a Parliament, we thought it no good manners to make such a motion.

JUST. My Lord, to the first let me tell you, that there was never any just Prince that hath taken any advantage of the success of Councils, which have been founded on reason, To fear that, were to fear the loss of the bell, more then the loss of the steeple, and were also the way to beat all men from the studies of the Kings service. But for the second, where you say you can excuse yourselves upon the Kings own protesting against a Parliament, the King upon better consideration may recovrate that sinews of yours.

COUNS.

COUNS. How I pray you?

JUST. Even by declaring himself to be indifferent, by calling your Lordships together, and by delivering unto you that he hears how his loving subjects in generall are willing to supply him, if it please him to call a Parliament, for that was the common answer to all the Sheriffs in England, when the late benevolence was commanded. In which respect, and because you come short in all your projects, & because it is a thing most dangerous for a King to be without treasure, he requires such of you, as either mislike, or rather fear a Parliament, to set down your reasons in writing, which you either mislike, or feared it. And such as wish and desire it, to set down answers to your objections: And so shall the K. prevent the calling or not calling on his Majesty, as some of your great Councillors have done in many other things, shrinking up their shoulders, and saying, the K. will have it so.

COUNS. Well Sir, it grows late, & I will bid you farewell, on'y you shall take well with you this advice of mine, that in all that you have said against our greatest, those men in the end shall be your Judges in their own cause, you
that

that trouble your self with reformation, are like to be well rewarded, hercof you may assure your self, that we will never allow of any invention how profitable soever, unless it proceed, or seem to proceed from our selves.

J U S T. If then my Lord, we may presume to say that Princes may be unhappy in any thing, certainly they are unhappy in nothing more then in suffering themselves to be so inclosed. Again, if we may believe *Pliny*, who tells us that 'tis an ill sign of prosperity in any Kingdom or state, where such as deserve well, find no other recompence then the contentment of their own consciences. a far worse sign is it where the justly accused sh ll take revenge of the just accuser. But my good Lord, there is this hope remaining, that seeing he hath been abused by them he trusted most, he will not for the future d shonour of his judgement (so well informed by his own experience) as to expose such of his vassals (as have had no other motives to serve him, then simply the love of his person and his estate) to their revenge, who have only been moved by the love of their own fortunes, and their glory.

C O U N S. But good Sir, the King hath not been deceived by all. **J U S T.**

J U S T. No my Lord, neither have all been trusted, neither doth the world accuse all, but believe, that there be among your Lordships very just and worthy men, as well of the Nobility as others, but those though most honoured in the Commonwealth, yet have not been most imployed. Your Lordship knows it well enough, that three or 4 of your Lordships have thought your hands strong enough to bear up alone the weightiest affairs in the Commonwealth, and strong enough, all the Land have found them to beat down whom they pleased.

C O U N S. I understand you, but how shall it appear that they have only sought themselves.

J U S T. There needs no perspective glass to discern it, for neither in the treaties of Peace and War, in matters of Revenue, and matters of Trade, any thing hath hapned either of love or of judgement, No my Lord, there is not any one action of theirs eminent, great or small, the greatness of themselves only excepted.

C O. It is all one, your Papers can neither answer nor reply, we can. Besides, you tell the King no news in delivering these Complaints, for he knows as much as can be told him.

J U S T.

JUST. For the first my Lord, whereas he hath once the reasons of things delivered him, your Lordships shall need to be well advised, in their answers there is no sophistry will serve the turn, where the Judge, & the understanding are both supreme. For the second, to say that his Majesty knows and cares not, that my Lord were but to despair all his faithful Subjects. But by your favour my Lord, we see it is contrary, we finde now that there is no such singular power as there hath been, Justice is described with a Balance in her Hand, holding it even, and it hangs as even now as ever it did in any Kings days, for singular authority begets but generall oppression.

COUNS. Howsoever it be, that's nothing to you, that gave no interest in the Kings favour, nor perchance in his opinion, & concerning such a one, the mist king, or but misconceiving of any one hard word, phrase, or sentence, will give argument to the King either to condemn or reject the whole discourse. And howsoever his Majesty may neglect your informations, you may be sure that others (at whom you point will not neglect their revenges, you will therefore confess it (when it is too late) that you are exceeding sorry that

that you have not followed my advise. Remember Cardinal *Woolsey*, who lost all men for the Kings service, & when their malice (whom he grieved) had out-lived the Kings affection, you know what became of him as well as I.

JUST. Yea my Lord, I know it well, that malice hath a longer life, then either love or thankfulness hath, for as we always take more care to put off pain, than to enjoy pleasure, because the one hath no intermission, & with the other we are often satisfied, so it is in the smart of injury & the memory of good turns: *Wrongs are written in marble: Benefits are (sometimes) acknowledged, rarely requited.* But my Lo. we shall all do the Kings great wrong, to judge him by common rules, or ordinary examples, for seeing his Majesty hath greatly enriched and advanced those that have but pretended his service, no man needs to doubt of his goodness towards those that shall perform any thing worthy reward. Nay, the not taking knowledge of those of his own vassals that have done him wrong, is more to be lamented, than the relinquishing of those that do him right, is to be suspected. I am therefore, my good Lord held to my resolution by these 2, besides the former. The 1, that God would never have blest him

him with so many years, and in so many actions, yea in all his actions had he paid his honest servants with evil for good. The ad. where your Lordship tels me, that I will be sorry for not following your advice, I pray your Lordship to believe, that I am no way subject to the common sorrowing of worldly men, this *Maxime* of Plato being true, *Dolores omnes ex amore animi erga corpus nascuntur*. But for my body, my mind values it at nothing.

COUNS. What is it then you hope for or seek.

JUST. Neither riches, nor honour, or thank, but I onely seek to satisfy his Majesty (which I would have been glad to have done in matters of more importance) that I have lived and will die an honest man.

FINIS.

The Authors Epitaph, made by himself.

Even such is time, which takes in troth
Our Youth, and Joy's, and all we have,
And pays us but with age and doth,
Which in the dark and silent grave,
Where we have wended all our ways,
Gives up the story of our days:
And from which Earth, & Grave & Doth,
The Lord shall raise us up again.